

# EMN FOCUSSED STUDY 2017 (Member) States' Approaches to Unaccompanied Minors Following Status Determination

## BG EMN NCP

Top-line factsheet [max. 2 pages, *please respect the page limits provided here*]

The top-line factsheet will serve as an overview of the **National Contribution** introducing the Study and drawing out key facts and figures from across all sections, with a particular emphasis on elements that will be of relevance to (national) policy-makers.

Please provide a concise summary of the main findings of Sections 1-6 below, for example, focussing on:

- Latest figures on the number and socio-demographic characteristics of unaccompanied minors in your (Member) State, as well as evolution over time (2014-2017);
- Top five main issues with regard to the care/ integration/ return of unaccompanied minors at present;
- Most important recent or planned changes to law, policy and practice regarding the care/ integration/ return of unaccompanied minors since 2014,<sup>1</sup> for example, as a result of the increase in the number of unaccompanied minors (and TCNs in general) seeking asylum in the EU between 2014 and 2016, the European Agenda on Migration,<sup>2</sup> etc.;
- Identified challenges and good practices, for example, as a result of the (Member) State coping with the large increase in applications from unaccompanied minors between 2014 and 2016, e.g. how were unaccompanied minors housed, educated, etc.
- Any suggestions for EU level action on unaccompanied minors that might be useful for your (Member) State.

**NB: In accordance to the Bg legislation "minor" is a person aged 0-13, "juvenile" – 14 – 17, "child" is a person aged 0-17. For the purposes of the report unaccompanied minors are all children 0-17. The age of majority is 18.**

The present study reviews the current political and legal framework as well as the measures and practices in the Republic of Bulgaria regarding the protection and safeguarding the access to rights of unaccompanied minors third country nationals. The study will not focus on the procedures for determining the status of unaccompanied minors third country nationals (UAM TCNs), but it will track the situation /what happens to them/ of this specific target group in the period after the final decision of the state authorities regarding their status - after a positive status decision, the scope of guaranteed rights and the respective possibilities for a legal stay, or after a rejection of the application for protection/granting of another status and the subsequent obligation to return them to their countries of origin. The study will also provide information on the implementation of return procedures of unaccompanied TCNs, their status prior to the return decision, or what happens in cases where return is impossible. This study also includes issues about specific categories of unaccompanied minors TCNs, such as trafficked and children missing after the final decision on their status.

Unaccompanied foreign minors, including those seeking or having received international protection in Bulgaria, fall into the category of "children at risk" within the meaning of the Child Protection Act. In this connection,

<sup>1</sup>As the previous EMN study on Unaccompanied minors was completed in 2014, the proposed reference period for the Study is 2014 onwards with some flexibility if (Member) States believe there to be a significant change to law/ policy/ practice outside this period.

<sup>2</sup> Communication from the Commission on European Agenda on Migration, available at [http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/index_en.htm)

the Bulgarian state is committed to create the appropriate conditions and guarantees for the enjoyment of the rights of these children, regulated both in national and international legislation. The children in this target group have the same rights as the Bulgarian children without parental care. In this sense, state institutions should provide shelter, food, personal belongings, access to health care, access to education and all other rights regulated by the UN Convention on the Rights of the Child, based on their individual needs and in accordance with the provisions of migration legislation. A specific feature of unaccompanied minors is that the majority of them are juveniles aged 16-17 and they recognize Bulgaria as a transit country on their way to Western European countries. This, to a certain extent, implies the dynamics in the figures, as they often run away from the centers or services where they are placed, even before their status procedure is completed. The same fact is also a major disincentive factor to start learning Bulgarian and to attend school as a basic prerequisite for their successful integration into the country.

The State Agency for Refugees at the Council of Ministers (SAR-CM) is the leading institution in guaranteeing the rights of unaccompanied minors who have applied for protection. According to official information of SAR-CM, the total number of registered unaccompanied children seeking protection in 2015 is 1 816 children, of which 1706 boys and 110 girls. According to the disaggregation of children by age, registered unaccompanied minors are: under the age of 14 - 255 children; age 14-17 - 1561. The prevalence of unaccompanied minors is underage 16-17 years old boys from the following countries of origin: Afghanistan, Iraq, Syria and Pakistan. In 2016, nearly 42% of all children seeking protection in Bulgaria were unaccompanied - 2 750. The largest share within this vulnerable category is Afghan children - 74%, of which 310 minors and 1738 juveniles, more than half are between 16 and 17 years of age. Compared to the previous year, in 2016, the number of underage unaccompanied asylum seekers increased by more than 60%. In 2017, there was a significant decrease in the number of unaccompanied TCNs seeking international protection, a total of 440, of which aged 0-13 were 59 and aged 14-17 - 381. According to the disaggregation of children by gender, the trend of the number of boys (415) significantly exceeding the number of girls - 25 persists. The predominant number of unaccompanied minors TCNs who have applied for international protection is from Afghanistan, Iraq, and Syria.

The indicated number of children shows the registered unaccompanied minors by the State Agency for Refugees, but in general, it does not coincide with that of the approved for international protection and those who currently live on the territory of the Republic of Bulgaria. The majority of these children have not completed the status procedures due to escapes from the centers they have been placed.

The dynamics shown in the number of UAM TCNs reflects national data only for this group of children who have presented themselves to the authorities and were in the process of applying for international protection. The statistics do not include children who have been identified as unaccompanied in the country but who have not applied for protection or have crossed the country illegally.

In the period 2014-2017, the situation of UAM TCNs in Bulgaria has made some progress in regard to access to certain fundamental rights, but despite the measures taken and the efforts made by the institutions in these years, a number of important issues such as placement, representation, legal aid, access to rights of unaccompanied children outside of international protection procedures (those with rejected applications and those who have not wished to apply for international protection) and their integration into the host society. Exceptionally rare are the cases in which the Bulgarian state has taken measures to return UAM TCNs to their countries of origin or third countries due to continued military actions there and the lack of established inter-state cooperation mechanisms in the field of child protection with these countries. In the same time, the issue of adapting the national legal framework to ensure access to the rights of these children, for example by regulating welfare or temporary residence or specific residence status, as well as their access to health, social and educational services, remains unresolved. Guaranteeing the rights of this target group of children is hampered by the lack of procedures for early identification of unaccompanied minors, determination of their age and determination of the best interests of the child. The system for protection of UAM TCNs in Bulgaria continues to have serious deficits, but positive progress has been made in this direction in several aspects: regulatory changes governing the representation of unaccompanied minors and their access to education during the procedure for international protection, the identified need for building a specialized center for unaccompanied minors and efforts to raise the competence of professionals from all institutions working with unaccompanied minors - social workers, police officers and representatives of municipal administrations. The care for UAM TCNs in Bulgaria is based on enhanced interaction and good cooperation between state institutions and non-governmental organizations. Important support in the process of capacity building and implementation of international standards in the field of protection of unaccompanied minors in national legislation and practices is provided by the representations in the country of international organizations such as UNHCR, IOM and UNICEF. The European Asylum Support Office (EASO) is one of SAR's main partners in the

process of adapting national system standards to the EU acquis in the field of asylum.

## Executive Summary [max. 5 pages]

The Executive Summary of the **Synthesis Report** will provide an overview of the Study, as well as form the basis of an EMN Inform, which will have EU and national policy-makers as its main target audience. The Executive Summary will be prepared by the EMN Service Provider (ICF).

## Section 1: Overview of the international and EU legislative framework on unaccompanied minors [max. 5 pages]

This section of the **Synthesis Report** will briefly outline the EU legal framework guiding national legislation on unaccompanied minors. It will provide a mapping of the substantive and procedural provisions in the EU acquis that regulate the protection of unaccompanied minors. The section will also highlight how the EU acquis relates to the broader international legal framework on unaccompanied minors. This section will be developed by the EMN Service Provider, hence no input from the EMN NCPs is required here.

## Section 2: Overview of the situation of unaccompanied minors in the (Member) State [max. 3 pages]

This section of the **Synthesis Report** will provide an up-to-date overview of the national situation with regard to unaccompanied minors in the (Member) States, including figures on the scale and nature of the phenomenon, e.g. number of residence permits issued to unaccompanied minors, number of unaccompanied minors reunited with family in (Member) States, etc. The section further sets out the context for the Study by providing information on the overall approaches of (Member) States to the return and care/ integration of Unaccompanied minors as deduced from the latest changes to law/ policy and/ or practice concerning this group of migrant children. The section will be drafted on the basis of data available from Eurostat or other relevant sources and complemented by national data provided by EMN NCPs (in Annex 1).

**Q1.** Please provide an overview of the current **public debate** with regard to unaccompanied minors who have received a final decision on their application for asylum/ another status in your (Member) State.

It is important to highlight that the public debate on the issue of unaccompanied minors in Bulgaria is very limited and that generally such is missing on the issue of UAM TCMs who have received a final decision on their application for asylum or other status. Following the significant increase in migratory flows to Bulgaria since mid-2013, issues related to foreigners and immigration flows are popular among the general public. There is a clear trend of high public interest and search for information on such issues. However, the very subject of this study is not in the public interest focus and is not a central theme for the media, public debates, political and party papers and discourses. In practice, the general public, when shaping its views and behavior, does not make a significant difference between third-country nationals seeking protection and illegal migrants. In general, the attitudes of the Bulgarian society presented in the media are negative towards foreigners coming from third countries. In recent years, several media cases have been subject to high public interest /non-admission by the local communities of children seeking or receiving international protection, non-admission to school from the state educational system and a refusal to register in the municipal administration of Syrian citizens who have received international protection/. These cases provoked a heated public debate about the extent to which Bulgaria has a system for guaranteeing the rights of persons who have been granted protection and tolerance of the Bulgarians as a whole to the reception of refugees, and they prompted a number of opinion polls. In this context, the target group of unaccompanied minors is left out of the public attention and is mainly of interest to professionals working with these children - police officers, social workers and staff of the Refugee Agency, as well as international organizations and non-governmental organizations working in the field of human rights protection and the rights of migrants, including those seeking asylum or receiving international protection. During the period under review, a number of public events were held - conferences, roundtables and seminars focusing on different aspects of the care for UAM TCNs, mainly seeking or receiving international protection.

The National Representative Study of the Trend Agency on the Value Attitudes of Bulgarians in the end of October

2017 for a consecutive year shows the negative attitudes of the Bulgarian society as a whole towards migrants. The survey confirms a trend registered earlier - with the advent of the refugee wave, refugees/migrants are perceived as the greatest danger and awaken negative feelings. The main reasons for these attitudes cited by the respondents are: fear of terrorism; poor economic and social situation in the country, fear of an invasion by the newcomers into the labor market, loss of jobs and social benefits.

Migrant children residing in the Republic of Bulgaria can be categorized in two groups: migrant children accompanied by their parents and unaccompanied migrant children. Depending on whether children are seeking international protection or unwilling to apply for it, the procedures for these children are different. There are also different legal guarantees for the rights of this target group of children depending on the final decision on their application for international protection.

The provision of measures for the protection of refugee children under the provisions of the Child Protection Act is not bound by the conclusion or a sequence of other procedures. A protection measure applies when there is a risk to the particular child, whether residing in the country with his/her family or unaccompanied. The measures are implemented by the "Social Assistance" Directorates within the structure of the Agency for Social Assistance. The current legal framework in the country regarding the guarantees and procedures for compliance with the rights of unaccompanied children is characterized by serious shortcomings and incompleteness. Despite efforts made by governments over the years 2014-2017, real changes in national legislation are few.

**Q2.** Are unaccompanied minors that fall in this category a **national policy priority**, including those turning 18 years of age? Has this changed over the last few years, i.e. since 2014 onwards? Has there been a shift in focus within policy issues concerning unaccompanied minors?

UAMs covered by this study are not subject to special state protection measures, or at least different from those applied to other NDs. In this respect, it can be said that this group of children is not a priority in the national policy in the area of care and protection of unaccompanied migrant children. National policies do not consider UAMs as an independent target group, to which specific measures should be applied, including in the case of children aged 18 or over 18 years of age immediately after the final decision on their status. At the age of 18, unaccompanied children are treated in the same way as adult TCNs.

The focus of the work of the Bulgarian institutions is to guarantee the rights of unaccompanied migrant children as a whole, given the particular vulnerability of this target group. Of course, child protection authorities in Bulgaria and other institutions with powers in the care of migrant children are also involved with children accompanied by their parents, but given the primary responsibility of parents to care for their children, their parental care for these children is defining. Depending on the stated will of the parents and their legal status in Bulgaria, the status of their children is determined.

**Q3. a.** Please provide an overview of **recent changes to law, policy and practice** in relation to what happens with unaccompanied minors after they have received a final decision on their application for asylum/ another status in your (Member) State since 2014 onwards. Please provide an account of such changes also in relation to those unaccompanied minors turning 18 years of age, as well as unaccompanied minors disappearing from guardianship/ care and/ or following a return decision.

As already mentioned in the previous section Q2, the Bulgarian political and legal system does not provide for special measures other than for all UAMs in relation to UAMs in the period after the final decision on the application for their status or the age of transition to adulthood. Almost all changes in policy, law, and practice related to migration and asylum matters are relevant to the situation of UAMs who have applied for international protection or have a positive decision on their application. They are not relevant to unaccompanied children whose application for protection has been rejected or they have not filed an application at all, whose legal status remains unsettled and their access to fundamental rights is limited. From the moment of turning 18, the unaccompanied minors TCNs are treated as adults, and Bulgarian legislation does not provide for specific regulations for a certain transitional period.

#### POLITICAL CONTEXT

Decree No 21 of the Council of Ministers from February 2015 established a **National Council on Migration and Integration**. An updated National Strategy on Migration, Asylum and Integration (2015 - 2020) was adopted, which sets Bulgaria's national priorities in this field. The main objective of the strategy is to create a policy framework for building a comprehensive and sustainable regulatory and institutional basis for the successful management of legal migration and integration, as well as for preventing and combating illegal migration, identifying and providing the necessary care to asylum seekers and those who have received international

protection in Bulgaria. This strategy paper takes into account the need for special care and protection of persons from vulnerable groups, especially unaccompanied minors. The document outlines the institutional framework for the implementation of migration, asylum and integration policies. Given the powers of the SACP in the field of child protection, the agency is designated as the responsible body with regard to the integration of the UAMs during the procedure or UAMs with the status of international protection. Outside the scope of the policy document remain the UAMs who have received a negative decision on their protection request and those who have never applied for protection. The Strategy defines the main priorities in the field of UAMs' integration: professional assistance, individual work and specialized intercultural training for UAM's; unaccompanied minors are placed separately while receiving specialized care; providing a sufficient number of specialists to work with them. The National Strategy brings an important change in the country's integration model, relocating responsibility for the integration of refugees from the State Agency for Refugees to the municipalities. The document presents the long-term vision of national policy in the period up to 2020, but was not followed by specific programs or plans, respectively budget funds, for their implementation.

The policies and challenges in working with unaccompanied minors from the very beginning of the migration wave have been repeatedly discussed at the **National Council for Child Protection** - a consultative collective body to the Chairperson of the State Agency for Child Protection, which includes responsible representatives of all ministries and institutions dealing with development and implementation of policies in all spheres of child well-being. In connection with the discussions held on this topic during two meetings of the National Council for Child Protection held in late 2013, the Chairperson of the SACP initiated in 2014 the development of a **Coordination mechanism for interaction between the institutions and organizations guaranteeing the rights of unaccompanied foreign children residing in the Republic of Bulgaria, including those seeking or having received international protection**. An inter-ministerial working group was set up to develop this mechanism, but due to the delay in important legislative changes related to legal representation of unaccompanied children and ensuring their effective inclusion in the education system, the process was slow. Finally, in 2015, a draft Coordination Mechanism was developed, based on a number of incomplete regulatory frameworks, which in practice limited its capabilities and prevented a consensus between the institutions. Until the end of 2017, the document has not been approved and has not been put into practice.

The main document defining the guidelines for children's policies is the National Program for Child Protection, which is approved annually by the Council of Ministers. Following the adopted national programs between 2014 and 2017, account is taken of the inclusion of the UAMs TCNs as a stand-alone target group for which institutions are planning specific measures in children's policies - safe and secure environment, health, education, social services, prevention from violence and involvement in trafficking. The planned measures are: signing an agreement on the implementation of a Coordination mechanism for interaction between institutions in the work with unaccompanied foreign children residing in the Republic of Bulgaria, including those seeking or having received international protection; creating a register for children seeking international protection; developing tools for gathering information about unaccompanied foreign children residing on the territory of the Republic of Bulgaria; review of the national legal framework to guarantee the rights and interests of foreign children residing in the Republic of Bulgaria; elaboration of methodological guidelines for increasing the capacity of the community services to work with unaccompanied children - foreign citizens; developing a concept of recreational activities for unaccompanied minors seeking international protection; developing a project to provide semi-resident type integrated services for social, health and educational activities for unaccompanied minors seeking international protection; providing additional Bulgarian language training as a foreign language for children seeking or receiving international protection.

Despite the fact that during the period under review the national authorities have declared political will and a number of measures are planned in national plans and strategies with regard to migrant children and specifically for UAMs, the current situation for access to rights for these children has not improved significantly. The public space lacks sufficient information and accountability about the level of implementation and the effect of the implementation of the measures, but the fact that most of them are transferred from a current to the following annual national program is indicative that progress is unsatisfactory. An example in this regard is the continuing inability to reach consensus among institutions on the implementation of the Coordination Mechanism and the lack of visible result in declared intentions to build a specialized residential service for unaccompanied children, despite the announcement by the SACP's Chairperson in mid-2017 that two UAM centers will be opened by the end of the year.

### **Amendments in the National Legislative framework**

#### **Law on Asylum and Refugees (LAR)**

Important amendments were made in the LAR in 2015 and with them 3 directives were transposed in the national legislation: Directive 2011/95/EC of the European Parliament and of the Council, Directive 2013/33 of the European Parliament and of the Council and Directive 2013/32/EU.

The term "international protection" (IP) was introduced, which includes refugee status and humanitarian status

and also other amendments which do not refer to UAMs TCNs after the final determination for their status.

The new Article 37a of the LAR stipulates, "Aliens who have been granted asylum or international protection in the Republic of Bulgaria shall be offered to sign an integration agreement regulating their rights and obligations, as well as the rights and obligations of the relevant state or municipal authorities. (2) The terms and procedure for signing, implementation and termination of the agreement under paragraph 1 shall be determined by an ordinance issued by the Council of Ministers."

An amendment in Article 33 introduces regulations on subsequent measures after granting of IP. These measures point the **place of accommodation**, which could be:

1. with the family of relatives or close acquaintances, a foster family, a social service – a residential-type institution or a specialized institution, under the conditions and following the procedure laid down in the Child Protection Act;
2. at other places for special accommodation of minor and underage persons.

Another amendment introduces the obligation for an alien who has been granted international protection, within 14 days of the receipt of the decision granting international protection, to appear at the municipality in the area where he/she will settle in order to be entered in the register of population.

The adopted amendments in the LAR at the end of 2015 are important step in ensuring the safeguards and conditions for the well-being of the UAMs, seeking or those who have received IP; however, they do not answer many important questions.

The introduced new legislative decision on the representation of unaccompanied refugee children determines the mayor of the municipality on whose territory the child is located to be competent to appoint a representative for the time when his/her application for protection is being considered. However, the provision of Article 25 of the LAR does not regulate the moment of appointment of the representative and the framework of his/her powers, the procedure for changing the representation upon transfer of the child to the territory of another municipality; interaction of the representative with the institutions working with the child; accountability and control of the child's representative. Due to the fact that the change of law transferred the responsibility for representation from the social services to the municipal administrations in the settlements where the SAR centers are located, it turned out that the mayors of municipalities had no preparation for taking on this new responsibility and the process was very difficult. In some cases, mayors refused to exercise their new powers, and in other cases, they were approached purely formally by assigning a municipal employee to represent a large number of children (in some cases up to 500). This has led to hampering many children's procedures and, in some cases, to unlawful conduct without a designated representative.

Given the more frequent signs of abuse against unaccompanied minors in refugee centers, an explicit obligation is introduced for the SAR to take measures and to exercise control to **protect children in the centers of the Agency from various forms of violence and inhuman treatment**.

With the change in the LAR a special regulation on **access to education for children aliens seeking or holding international protection** was introduced, and it was expressly stressed that this right is realized under the conditions and procedures for Bulgarian citizens. It was indicated that access to education system of foreign children may not be postponed for more than three months from the date of filing the application for asylum. This legislative decision again concerns only the unaccompanied foreign children who have received a positive decision on their application for international protection.

#### **Foreigners in the Republic of Bulgaria Act (FRBA)**

Amendments in the FRBA in 2016 introduced the status of a stateless person. The change is in line with the 1954 Convention on the Status of Stateless Persons and the Convention on the Reduction of Statelessness, adopted on 30 August 1961 in New York, which Bulgaria ratified in 2012. The term "stateless person" is regulated as a person who is not considered as a national of any country in accordance with its legislation. The legal status of statelessness is settled. A status of a stateless person will be provided by the Migration Directorate of the Ministry of Interior. The normative amendments set the conditions and procedures for the issuance of a travel document to the stateless persons to whom the state has granted statelessness as well as to those to which another state has granted status of stateless person, they reside permanently or for a long-term in the Republic of Bulgaria and for compelling reasons they cannot renew their travel document in the country which originally issued it. The legal possibility to extend the residence period of an alien who is already on the territory of the country but cannot leave it for reasons for which he is not responsible is also restored. Special provisions are provided for the submission of an application from unaccompanied minors to apply for the status of a stateless person. The law states that the application for the status of a stateless person of an unaccompanied minor may also be filed through a representative of a non-governmental organization working to protect the rights of vulnerable groups or by another person designated as his/her representative by law.

With the amendment in FRBA, a new temporary measure was introduced - "**Short-term accommodation for up**

**to 30 days in a dedicated home for temporary accommodation of foreigners".** The purpose of this placement in the special homes of the Migration Directorate is different from the purpose of placement of persons with a Compulsory administrative measure (CAM) in place. While one measure aims to ensure the implementation of CAM, short-term accommodation as a measure may be applied for the purposes of the initial identification of foreigners with an unknown identity and for consideration of the subsequent administrative measures to be imposed or taken.

By the Decree of the Council of Ministers No. 208 of 12.08.2016 the Bulgarian Government adopted an **Ordinance № 208 on rules and conditions to conclude, implement and cease integration agreements with foreigners granted asylum or international protection**, and during the dynamic political changes in the country's governance in this period it was repealed by the caretaker government (04 April 2017). By Decree No 144 of 19 July 2017, the next regularly elected government adopted a new Ordinance on rules and conditions to conclude, implement and cease integration agreements with foreigners granted asylum or international protection, which differs minimally from the previous one. The Ordinance provides for the conclusion of agreements for the integration of refugees and mayors of municipalities, which have expressed their wish to do so to the SAR, but so far none of the 265 municipalities in Bulgaria has made such a wish and the Ordinance does not apply in practice. In this respect, the normative act regulates a certain amount of rights only in respect to foreigners who have received a positive decision on their application for protection. The decentralization approach to integration policy in Bulgaria has been imposed by the central government without the necessary partnership of the municipalities. The local authorities have proved unprepared to assume the transferred responsibility, given the lack of clear organization and financing of this process. According to Article 18 of the Ordinance, sources of funding for refugee integration measures and activities are, first of all, European funds, foreign financial instruments and international organizations. Lastly, the Ordinance refers to "national funding" as a source, but such budgetary funds are not guaranteed at this stage, which is indicative that integration policies are not a priority for the Bulgarian governments, which ruled the state in the period under review. The new Ordinance does not offer substantial support for some of the major integration difficulties faced by all persons with international protection, such as refugees' access to social dwellings and family allowances for children, which the law currently does not allow. This creates a significant risk of homelessness among recognized refugees. Providing Bulgarian language training is also not clear.

#### **Ordinance No 3 of 6 April 2017 on the conditions and procedures for admission and training of persons seeking or having received international protection**

The normative act regulates the admission of persons seeking or having received international protection in state and municipal schools, their education, including conducting additional training in Bulgarian as a foreign language and other subjects, as well as the validation of acquired competencies for pupils enrolled in 5th and higher grades from the lower secondary level of primary education. An important role in securing the right to education of unaccompanied minors is that of the appointed guardian of the child representing him/her before school authorities from the time of enrollment until the completion of the educational process.

#### **Penal Code**

In order to improve the counteraction of the trafficking activities, amendments to Article 280 and 281 of the Penal Code are in force since 26 September 2015, which provide for higher penalties for perpetrators, as well as higher fines and forfeit in favor of the state of the vehicles used.

**b.** Please indicate **any planned changes** to law/ policy/ practice regarding the care/ integration/ return of unaccompanied minors going forward.

There is currently no stated political will to change the legal framework on the situation of unaccompanied foreign children.

The issues of unaccompanied foreign children were discussed during meetings of the National Council for Child Protection in 2017 and decisions were made on:

- establishing specialized services for accommodating unaccompanied minors in order to provide quality care for this group of children;
- developing a financial standard for the care of foreign children, with the support of the Ministry of Finance, within an inter-ministerial working group;
- establishing a permanent expert working group tasked with monitoring the implementation of the Coordination Mechanism.

In the framework of public events held in mid-2017, the Chairperson of the SACP repeatedly announced the forthcoming establishment of a center for unaccompanied foreign children. According to the information presented

in the end of 2017, the center had to be opened with the financial support of the Norwegian Financial Mechanism of the European Economic Area, but this did not happen, so it can be assumed that the activity will continue next year.

The draft National Child Protection Program for 2018 contains several specific activities related to unaccompanied migrant children, such as:

- adoption of the Coordination Mechanism for interaction between the institutions and organizations guaranteeing the rights of unaccompanied foreign children residing in the Republic of Bulgaria
- launch of a five-year project to establish a Center for the accommodation of unaccompanied foreign children financed under the Norwegian Financial Mechanism
- management and development of a specialized Crisis Center for children, victims of trafficking in human beings

**Q4.** What **status(es)** does your (Member) State typically grant to unaccompanied minors and in what circumstances (e.g. asylum, humanitarian protection, temporary/ tolerated status, etc.)? *Please do not provide details here on the different status determination procedures (as this is not the focus of the Study), but rather on what status(es) the Q4.*

The Bulgarian legal system does not provide for a special legal regime/status with respect to unaccompanied foreign children. Possible options for obtaining status are analogous to the provisions for adult TCNs. Under the Asylum and Refugees Act, TCNs seeking international protection may be granted refugee status or humanitarian protection. By amending the Forigners in the Republic of Bulgaria Act by the end of 2016, a regulation was introduced to grant status of a stateless person, including unaccompanied, to foreigners falling under the scope of the Convention on the Status of Stateless Persons.

Since the end of 2016, the number of refugee status permits has fallen considerably. In most of the cases, which ended with a positive decision by the interviewing authority, the status granted by authorities to the foreign is a humanitarian status. The status of stateless persons is a relatively new regulation, so there is no observation of the practice and frequency of its application. For UAMs TCNs who have not applied for, or have been refused, an international application for asylum, it should be noted that their legal status **does not have national regulatory regimes in place for a tolerated status stay or a form of temporary residence.**

**Q5. a.** Please provide any further qualitative information available in your (Member) State on the **characteristics of unaccompanied minors**, as follows:

- Are unaccompanied minors **mostly close to the age of majority** when a final decision on their application for asylum/ another status is issued, or (much) younger?

No age statistics are available for unaccompanied minors at the time of the final decision on their application for protection. According to the statistics in the SAR for the age of UAMs TCNs at the moment of filing the application for international protection, the prevailing number of UAMs is aged 16-17 years, followed by those aged 14-15 years. The smallest number is of children under the age of 14 years.

- Are they **boys or girls** predominantly?

95% of all applications for international protection from UAMs TCNs for the period from 01.01.2014 to 30.06.2017 were filed by boys.

- Are they **resettled and/ or relocated** unaccompanied minors whose right to reside in your (Member) State has been clarified?

By Decision No 858 of 4 November 2015, the Bulgarian Government approved a Framework for a National Mechanism for the Implementation of Bulgaria's Commitments under Council Decision (EU) 2015/1523 of 14 September 2015 and Council Decision 2015/1601 of September 22, 2015, as part of this decision are the preferences set by the National Council on Migration and Integration with regard to the persons who will be transferred to the Republic of Bulgaria in pursuance of those decisions. According to the cited documents, Bulgaria has decided not to accept unaccompanied foreign children under the cooperation mechanism, given the insufficient capacity to care for unaccompanied minors and incompleteness in the national legislation regarding the

guardianship and representation of this group of children.

- Please provide any other qualitative information available *not covered above, for example, unaccompanied minors not presenting themselves to the authorities, etc.:*

Not applicable

**b.** Please complete the Excel document in Annex 1 (including data as well as metadata) if you have **national statistics** on:

- The total number of accepted/ rejected applications for asylum by unaccompanied minors in 2014-2016 and, where available, the first half of 2017, if possible disaggregated by sex/ country of origin of the minor;
- The total number of residence permits issued to unaccompanied minors on grounds such as asylum, humanitarian protection, etc. in 2014-2016 and, where available, the first half of 2017, disaggregated by age/ sex of the minor;
- The total (estimated) number of unaccompanied minors not seeking asylum and their respective statuses, e.g. those who entered irregularly and victims of trafficking, etc. in 2014-2016 and, where available, the first half of 2017;
- The total number of unaccompanied minors issued temporary/ alternative statuses, tolerated stay, etc. in 2014-2016 and, where available, the first half of 2017;
- If available, data pertaining to specific integration outcomes for unaccompanied minors in 2014-2016 and, where available, the first half of 2017 (e.g. unaccompanied minors enrolled in primary/ secondary education, traineeships/ internships, training, labour market programmes or any other targeted measures; unaccompanied minors who have completed successfully any (civic) integration courses; unaccompanied minors registered with leisure associations (e.g. football/ cricket federation, scouting, etc.); cases of successful family reunification involving unaccompanied minors). *If such data are not available, please provide below any existing qualitative information in relation to outcomes for unaccompanied minors;*
- The total number of unaccompanied minors with enforceable return decisions and/ or number of unaccompanied minors returned (through voluntary and forced returns), including data on AVR(R)-programmes targeting unaccompanied minors in 2014-2016 and, where available, the first half of 2017;
- The total (estimated) number of unaccompanied minors disappearing from reception/ care facilities following status determination.

*Please **do not** here include the Eurostat data mentioned above, as this information is available publically and can therefore be analysed centrally for the Synthesis Report.*

**Q6. a.** Please provide a general overview of what happens with unaccompanied minors in your (Member) State **when they turn 18 years of age**, including a brief description of the approach (e.g. transitional measures/ plans) of your (Member) State:

- when an UAM has received a final negative decision on his/ her application for asylum/ another status as a minor (please elaborate below):

The care for unaccompanied minors, regardless of whether they have a positive or negative decision on the application for international protection, after the end of the proceedings is taken entirely by the social system of the state/child protection authorities and social services for children. As already mentioned, the Bulgarian state has no specialized services for migrant children, which is why the UAMs are placed in the acting regular services for children.

The Ordinance on Criteria and Standards for Social Services for Children stipulates that the introduction of a child to the specialized institution and to the resident service is carried out according to a previously elaborated plan. The service provider should provide individual support to the child according to his or her needs, i.e. solutions for

the future of the child should be sought after leaving the institution, such as shelter, training or work, supporting environment, services. Such cooperation could be effective only with regard to UAMs with international protection. UAM with refusal to be granted international protection or one who has not applied for international protection by the age of majority are in practice treated as an illegally residing foreigner, leading to the imposition of a CAM by the migration authorities for removal from the country and an organization for its implementation.

- when an UAM is granted a status as a minor (please elaborate below):

Not applicable

**b.** Please describe how unaccompanied minors who are approaching 18 years of age are **identified** in your (Member) State so that transitional measures/ plans can be introduced as part of their return/ care/ integration. How often is this review being done, e.g. every month, etc.?

Identifying and determining the age of unaccompanied children is a very significant problem for Bulgarian institutions. There is no procedure for determining the age and because of the lack of documents in the UAMs, their age is determined on the basis of data declared by themselves. In practice, there are no UAM cases remaining in an institution or service for children up to the age of majority, which is why the present study cannot present the national practice on this issue. Most UAMs who have been placed in social services leave voluntarily the institution or service for children. There are few cases where UAMs have been transferred to another country or returned to the country of origin.

**c.** When are **transitional measures/ plans** for those unaccompanied minors turning 18 years of age likely to commence in your (Member) State, e.g. how many months / years before? And for how long can such measures continue after the UAM reaches adulthood, e.g. is there any age threshold?

There is no legal regulation and applicable practice.

### Section 3: Care arrangements for unaccompanied minors, including after-care for unaccompanied minors turning 18 years of age [max. 10 pages]

*This section of the Synthesis Report will provide a factual, comparative overview of the care arrangements in place for unaccompanied minors in the (Member) States – including any transitional/ after-care available for unaccompanied minors turning 18. Whilst the aim of this section is to report on care measures available specifically to unaccompanied minors following status determination, some care provisions are accessible for unaccompanied minors without a determination on their applications/ 'legal' status. Where the provisions differ from those unaccompanied minors without a determination on their applications, this should be indicated. If applicable, please also distinguish between provisions that apply to all unaccompanied minors, as well as those that apply to certain groups of unaccompanied minors, e.g. non-asylum seeking unaccompanied minors, trafficked children, etc.*

#### **Overview of care provisions and organisational set-up in the (Member) State**

**Q7. a.** What **priority** is given to the care for unaccompanied minors in your (Member) State? When does the care for unaccompanied minors commence, i.e. before or after status determination?

As a country which has ratified the UN Convention on the Rights of the Child and with existing national legislation on child protection and care, the Bulgarian State is obliged to provide care for all children on its territory, regardless of their nationality or residence status /legal or illegal residence/. Unaccompanied foreign children, including those seeking or having received international protection in Bulgaria, fall into the category of "children at risk" within the meaning of the Child Protection Act. Children in this target group have the same rights as the Bulgarian children without parental care. In this respect, state institutions should provide shelter, food, personal belongings, access to healthcare, access to education and all other rights provided for in the Convention on the Rights of the Child on the basis of their individual needs. The provision of protection measures for migrant children under the Child Protection Act is not related to the completion or sequence of other procedures (e.g. refugee, migrant, etc.). A protection measure applies when there is risk to a particular child, whether he/she resides in the country with his/her family or is unaccompanied. The measures are implemented by the Social Assistance Directorates, which are substructures of the Agency for Social Assistance. When a UAM is detected when crossing the border illegally, police officers notify the CPD and interview the child to determine whether or not he or she will apply for international protection. In the case of an application for protection, the UAM is handed over to the SAR authorities who place him/her in one of the open-type centers for foreigners seeking international protection. If the child categorically refuses to apply for protection, the police officers refer him/her to a social worker to take protective measures under the Child Protection Act. In these cases, the child is placed either in a residential service, or in a specialized institution or community service for children. The procedure for referring the UAMs to the relevant services after he or she has been identified inside the country by the police authorities/migration authorities is similar (depending on whether an application for an IP has been filed or not).

**b.** Please provide a brief overview of the provisions in place in your (Member) State for the **care** of unaccompanied minors following their status determination, including accommodation, guardianship, healthcare (including counselling), etc., indicating in particular how the legal status of the UAM defines his/ her specific care arrangements (e.g. refugees, unaccompanied minors not seeking asylum, etc.).

Under Bulgarian law, the legal status of UAMs is fundamental for safeguarding their rights. It could be said that the full enjoyment of their rights are guaranteed for children who have received international protection (refugee status or humanitarian protection) or stateless person status. The other group of children (with refusal of IP or those who have not applied for IP) have no legal status of residence in the state and this significantly limits their access to rights.

**Placement** – all UAMs are placed in social services for children regardless of their status

**Representation** (guardianship) - legal representation is regulated only in respect of UAMs who have applied for protection. The provision of Article 25 of the LAR is contradictory as to the final moment of such representation, but given the provision "in the proceedings under this law", it can be concluded that the end of the procedures for examining the application for international protection of UAMs also puts an end to the powers of the guardian from the municipal administration. Legal representation is also regulated with regard to UAMs who request the status of a stateless person. There is no legal regulation for the representation of UAMs who have been refused IP or have not submitted an application for such.

**Healthcare** - UAMs with legal status have full access to healthcare - emergency medical care, medical examination, hospital treatment, family doctor. Medicines are not covered by the health insurance, but different opportunities are being sought for their free provision for children, mainly through donations. UAMs with illegal residence do not have access to the health insurance system, as the state does not cover their health insurance contributions. They have access to emergency medical care. Health care for these children, placed in services for children, is funded by donations or by charities and other non-governmental organizations.

**Education** – UAMs who seek or have been granted IP have regulated access to free education. UAMs who reside illegally do not have free access to the general education system of the state.

**b.** How does your (Member) State ensure the legal protection of **unaccompanied minors who are not being cared for by national child welfare** (for example, because these unaccompanied minors have never presented themselves after obtaining international protection)?

There are no state mechanisms and regulations to provide legal protection for UAMs who are outside the childcare system of the state. Rather, such legal protection would be provided by non-governmental organizations working

on the protection of migrants' rights.

c. Please describe the procedure (if any) in place in your (Member) State to determine the **best interests of the child** with regard to the care for unaccompanied minors following a positive decision on status. Is this set out in legislation or any other internal administrative regulations?

**Child Protection ACT (CPA) (Article 3, para 3)** introduces the child' best interests principle as one of the main principles for child protection, which are also the foundations of the Bulgarian child protection system.

In para. 1, i.5 of the Additional Provisions of the CPA the legal definition of the term "best interests of the child" is given, which is an assessment of:

- a) the child's feelings and desires;
- b) the physical, mental and emotional needs of the child;
- c) the age, sex, past and other specific features of the child;
- d) the danger or damage that has been done or is likely to be caused to the child;
- e) the ability of the parents to take care of the child;
- f) the consequences for the child upon change of the circumstances;
- g) other circumstances of importance to the child.

In the **Implementing Regulations of the CPA** the legislator introduces the concept of "the highest interests of the child" meaningfully covering the content of "best interests of the child" and obliging child protection bodies in the exercise of their functions and powers to be guided by the best interests of the child in all of their actions, related to children and their families. (Article 4 para. 1). In determining the necessity to use social services, the highest interests of the child should again be of paramount importance (Article 19 (3)).

In 2015, with the legislative change in the LAR, the principle of best interest of the child was explicitly regulated in the refugee law by introducing the requirement that the best interest of the child shall be given priority in the implementation of the law and the assessment to be carried out in accordance with the provisions of the Child Protection Act. This principle is stated in the law as a guide in fulfilling the duties of the appointed representative of the unaccompanied child and in determining the place of his/her placement.

**In the Foreigners in the Republic of Bulgaria Act**, the principle "best interest of the child" is introduced only as an element of the term "humanitarian reasons".

It can be concluded that the principle of the best interest of the child is universal in the Bulgarian legal system and is regulated by the current legislation. Some procedural safeguards have been introduced with regard to its application, such as the mandatory involvement of a social worker or the expression of an opinion in all administrative and judicial proceedings in which the child's interest is affected. Next, the hearing and respect of the child's view is another additional guarantee for the best interests of the child implemented in Bulgarian legislation. On the other hand, its practical application is hampered by the lack of a developed procedure for assessing and defining the best interest, including guidelines and criteria for the work of professionals working with unaccompanied children. It is not clearly defined who, when, and how, examines the circumstances relevant to the assessment of the best interest of the child.

At the time of this study, the UNHCR Representation in Bulgaria supports the Bulgarian institutions to develop a mechanism for assessing and implementing in practice the principle of best interest of the child.

**Q8. Which national/ regional/ local authorities and organisations** (including NGOs where relevant) are responsible for the care of unaccompanied minors following status determination? Please describe in particular the competent authorities responsible for the provision of accommodation, guardianship, etc., what their specific remits and roles are, any authorities specifically ensuring the principle of the 'best interests of the child' is taken into account, etc.

<b>Name of national competent authority/ organisation</b>	<b>Brief description (e.g. remit/ role, etc.)</b>	<b>Main activities/ responsibilities</b>
Agency for Social assistance via its territorial structures – Social Assistance Directorates	Executive Agency at the Ministry of Labor and Social Policy for implementation of the state policy on	It applies a protection measure /determine the place of accommodation of the UAMs; additional support for UAMs - social

	<p>social assistance and child protection.</p> <p>It carries out the current practical work on child protection in the municipality, identify and implement specific child protection measures/monitor their implementation</p>	<p>and psychological services; prepares an action care plan which is periodically reviewed/.</p> <p>It expresses an opinion/presents a report on the interest of the child in all administrative and judicial procedures that are of UAM's interest.</p> <p>It represents UAMs in cases explicitly mentioned in the law.</p>
<p>Mayors of the municipalities – bodies of the local authorities</p>	<p>Child protection body, which ensures the implementation of the state policy for child protection in the municipality and coordinates the child protection activities at local level.</p>	<p>They plan and assess the needs of social services in the community; run and manage the activities of the social services on the territory of the municipality, which are financed by the state and the municipal budget; outsource the management of social services to social service providers through a tender procedure.</p> <p>They designate the UAM's guardian (legal representative) in the proceedings for examining the application for international protection.</p>
<p>Ministry of Education and Science - Regional Education Offices</p> <p>Kindergartens/schools</p>	<p>They conduct training for unaccompanied foreign children.</p>	<p>They refer UAMs to a specific kindergarten/school.</p> <p>They assist the provision of an interpreter for the initial interview with the child to identify the appropriate group/class.</p> <p>A dedicated team assesses the educational needs of the particular child and plans the educational support measures; it periodically assesses the progress of each child and the need for new or additional support measures.</p>
<p>State Agency for Child Protection</p>	<p>National body, which coordinates the development and implementation of sectoral and cross-sectoral policies for children.</p>	<p>It controls the work of the CPD on cases of children with protection measures.</p> <p>It controls social services for children.</p> <p>It issues licenses and supervises the activity of private providers of social services for children.</p>
<p>Bulgarian Red Cross</p>	<p>A national Red Cross organization with special status on the territory of the Republic of Bulgaria, which supports the state in the humanitarian field.</p>	<p>It organizes the collection and distribution of humanitarian aid from the country and abroad.</p> <p>It provides help in the country and abroad to victims of armed conflicts.</p>

		<p>It assists foreigners seeking or having received protection in the Republic of Bulgaria under the Law on Asylum and Refugees.</p> <p>It seeks on the territory of the country and abroad family members separated because of wars, armed conflicts and natural disasters.</p>
Non-governmental organizations		Providers of universal social services for children and specialized services for support of foreign children (child placement services, legal, social and psychological counseling services, educational services).
<p>International and Intergovernmental organizations</p> <p>UNHCR</p> <p>IOM</p> <p>UNICEF</p>	They provide support to state institutions in the field of standards for UAMs care and build administrative capacity to work with these children.	<p>They develop proposals for legislative changes.</p> <p>They develop specific procedures.</p> <p>Programs to support UAM foreigners on the territory of Bulgaria - legal and social assistance, shelter, psychological assistance, healthcare</p> <p>Voluntary return and reintegration programs</p> <p>Searching for and bringing family members together</p> <p>Training of employees of the different institutions working with UAMs - police officers, social workers, representatives from municipalities, employees of SAR</p>

### *Accommodation arrangements*

**Q9. a.** Please provide information on the **accommodation** options available for unaccompanied minors in your (Member) State following status determination, as follows:

- Accommodation specifically for minors? Y/ N

Yes, all UAMs, regardless of the determined status - the services for children, where Bulgarian children are accommodated.

1. Residential type social services – Small group homes (Family type accommodation center); Transitional dwelling; children's shelter; Crisis center for children
2. Specialized institution - a home for children deprived of parental care
3. Social services in the community - foster care;
4. Homes for medical and social care for children under 3 years of age (they are health facilities and are part of the healthcare system)

- General accommodation with special provisions for minors? Y/ N

Yes, in the open type center of SAR special zones for unaccompanied asylum seekers who are in the process of

applying for international protection (prior to status determination) are created.

- Specialised accommodation for unaccompanied minors with specific identified needs? Y/ N

No

- Specialised accommodation for (unaccompanied) minors victims of trafficking? Y/ N

Yes - Crisis center for children victims of trafficking

- Accommodation with a foster family? Y/ N

Yes

- Other types of accommodation for unaccompanied minors, e.g. accommodation with adults if UAM is over 16 years of age, etc.? Y/ N

Yes – Placement in family of relatives (it is applied also for children under the age of 16)

**b.** Please provide an estimate of the **costs** associated with the accommodation of unaccompanied minors, as well as how these are measured/ defined in your (Member) State, e.g. per day/ child, etc.

The funding of social services for children delegated by the state is provided by the state budget. The annual amount of the standard of living in the services is determined by a decision of the Council of Ministers, which is adopted annually. The amount of uniform living standards of living in accommodation is differentiated by type of service, it is not based on the specificities of individual municipalities and is applied to meet the needs of all children and youth using the services (whether Bulgarian or foreign citizens).

The defined unified cost standards for 2018 are as follows:

- For Home for Children Deprived of Parental Care - BGN 8 020 annual maintenance of a child in a specialized institution
- For a small group home (family-type placement center) for children/youth - BGN 9 700 per year for a child in a residential service
- For Children's Crisis Center - BGN 9 180 per year for one child in the center

Costs of accommodation of UAM in the center of SAR

At present, there are no approved financial standards by the Council of Ministers for the maintenance of a person in procedure for granting international protection lodged at the registration and reception centers of SAR CM, including unaccompanied minors third-country nationals. There is a regulation only for the value of the meal per day, which currently amounts to BGN 3.50 excluding VAT or 4.20 with VAT.

**c.** Please provide information on the **staff** responsible for the care of unaccompanied minors, for example, main tasks, any child-specific training received, etc.

#### **Residential services and specialized institutions**

According to the regulations in force, there are no special requirements for education, qualification and professional experience of the employees who provide immediate care for the accommodated UAMs TCNs. Normally, the managers of social services include such requirements in the job descriptions for the respective posts. There is no systemic approach to training and preparation of the staff of children's services where UAMs are placed. Up to now, the efforts of state institutions and training organizations such as UNHCR, IOM, UNICEF have been aimed at building the capacity to work with UAMs TCNs among police officers, social workers, guardians from municipal administrations and SAR staff.

#### **Foster care**

In 2014, the training program for professional foster parents was complemented with a module focusing on the training of foster carers for specialized care provided to children seeking or who has been granted international

protection (including unaccompanied minors and minor refugees). The subject covers various issues related to the profile and characteristics of UAMs, specific cultural features, risk factors, basic procedures, family reunification.

### Employees of SAR

The SAR staff working in the Social Activity and Adaptation Directorate are civil servants occupying "Social Experts" positions, for which there are requirements for an area of education, educational degree and professional experience. In general, employees have education in the field of humanities and professional experience in social work. Annually employees undergo a number of specialized training sessions to work with unaccompanied foreign children such as:

- Seminar "Protection of unaccompanied foreign children", organized by Lumos - Bulgaria;
- Seminar "Admission of unaccompanied minors", organized by the European Platform of Reception Agencies (EPRA) and the European Asylum Support Office (EASO);
- Training module: "Interviewing vulnerable persons" under the EASO;
- Training on "Managing individual cases of children with a focus on unaccompanied minors, organized by BRC;
- Training on "Working with vulnerable migrants and persons seeking international protection", organized by the International Organization for Migration

**d.** What are the implications of unaccompanied minors' **transition** from the age of minority to 18 years of age for their accommodation arrangements up to that stage?

- Do these unaccompanied minors turning 18 years of age change accommodation, or do they stay in the same accommodation, for example, until they reach a certain age? If so, what is the age threshold?

At the age of 18, the placement of UAMs TCNs with a protection measure under the Law on Child Protection is terminated and they have to leave the specific place of accommodation.

- Does your (Member) State have any measures in place to support the UAM before the transition, e.g. information provision, etc.? Y/ N

Pursuant to the current Ordinance on Criteria and Standards for Social Services for Children, the service provider has to organize the preparation for the child to be taken out of service due to maturity by developing an individual plan to leave the service/institution with the participation of the child itself, his or her a legal representative and a social worker from the Child Protection Unit. There is also a special social service for juvenile children aged 15-18 years, "Transitional Home", in which underage children lead an independent way of life, assisted by professionals, in order to be prepared for their removal from a specialized institution and build skills for independent life.

This possibility is available to all children under state care and there is no data if it is applied to UAMs TCNs.

- Does your (Member) State have any measures in place to support the UAM during the transition, e.g. pathway plan, personal adviser, etc.? Y/ N

An individual plan for leaving the service/institution is being developed with the participation of the child itself, his/her legal representative and a social worker from the Child Protection Unit. This plan foresees measures for the future life of the child outside the service - gathering information on potential accommodation, training, social assistance, community-based services, and career guidance and job finding.

/There is no information whether the procedure has been applied to UAMs TCNs./

- Does your (Member) State have any measures in place to support the UAM after the transition, e.g. formal follow-up or after-care service, open-door policy at accommodation facility, etc.? Y/ N

YES - there is a possibility for UAMs TCNs to be accommodated in services suitable for the transition age, where Bulgarian children and young people are accommodated. There is no information, however, whether the UAMs TCNs are actually housed in this kind of service, but there is such a legal possibility only for foreigners in legal residence - who have been granted refugee status, humanitarian status or status of a stateless person.

The **Observed Dwelling Social Service** is a community service to support and advise people over the age of 18 years who leave a specialized institution for children and have an independent lifestyle supported by a team of professionals.

The service is aimed at:

- young people aged 18 years and over, leaving specialized institutions;
- young people up to 25 years of age at risk from the community who have no family or do not receive support from their family and who need help in achieving social integration and professional realization on their way to independent living.

The Observed Dwelling provides the following services:

- Living place;
- Information, professional counseling (social and psychological) and accompanying by the service team in the period of achieving social integration and professional realization of the accommodated young people;
- Support for expanding the social network of young people as well as improving or restoring the relationship with family and relatives.

The needs of young people, placed in the home, are assessed and an individual independent life plan is elaborated.

The period of stay in the Dwelling is up to 1 year and it may be extended depending on the individual needs of the young person and at the discretion of the Reception committee. The maximum period cannot exceed 2 years.

**"Temporary accommodation center"** is a form of social service provided to homeless persons for a maximum of 3 months in the calendar year, which may, if necessary, be extended to 6 months. The center provides a place to live, assistance for inclusion in training and requalification courses and other trainings and/or job seeking as well as social adaptation.

**"Shelter"** is a form of social service provided for a period of no more than 3 months in the calendar year, for a part of the day (from 17:00 on the current day to 10:00 on the following day) to homeless persons and families in urgent need to meet their basic needs related to shelter, food, hygiene and social counseling.

e. Is there any research available in your (Member) State on the **standard of accommodation** provided to unaccompanied minors in your (Member) State? On the **effects** of accommodation arrangements on the integration of the unaccompanied minors, including those turning 18 years of age (as conducted by relevant authorities, academics, NGOs, etc.)? Y/ N

If yes, please briefly describe the main findings and conclusions of such research and provide a full reference to the source (e.g. based on existing studies/ evaluations/ other sources or information received from competent authorities).

#### **UNHCR**

A MONITORING REPORT for 2014 on the Conditions of Acceptance and Social Protection of Unaccompanied Minors seeking or who have received international protection in the Republic of Bulgaria was prepared at the beginning of 2015 on demand and with the financial support of UNHCR. The document examines the possibilities for accommodation of UAMs who have applied for international protection - in the centers of the SAR and in the social services for children. Considerably improved conditions for accommodation in social services for children are taken into account as they are specifically designed and organized for childcare with a protection measure. On the other hand, the language barrier is detected as a major challenge due to the lack of translators and the lack of experienced staff in the care and upbringing of foreign children. Regarding the material conditions of accommodation in the SAR Centers, the report takes into account the efforts made to improve them, but in most centers, not only there are not special conditions created for unaccompanied minors, but the available resources do not guarantee their rights. The preparation of the report covers the period when, at the decision of the SAR management, the center in Banya was designated for UAMs. It contains criticisms of both the poor conditions for children in this center and the choice of location for UAMs because the children are in isolation and they have no access to programs for social and educational services, support and care provided by external, independent from SAR organizations.

<http://www.unhcr.org/bg/wp-content/uploads/sites/18/2016/12/2015-UAMs-report-final-final.pdf>

A report "Studying the needs of applicants and those who have received international protection by age, gender and belonging to a social group for 2016" - Main conclusions: inefficient system for protection and care for unaccompanied minors; the lack of a safe place for their accommodation and a qualified team to take care of their needs and their security; unaccompanied minors are often housed with men where, in some cases, do not feel safe. They prefer to be accommodated with families. Those of them who are accompanied by relatives want to be accommodated with them. It is necessary to assess the children's needs and their best interest before making decisions about their well-being. This is currently done only in exceptional cases due to lack of capacity. Most unaccompanied minors disappear because the childcare system does not have sufficient capacity to provide the necessary care in line with existing international standards and national legislation.

<http://www.unhcr.org/bg/wp-content/uploads/sites/18/2016/12/2016-AGD-PA-Report-Final-BG.pdf>

#### **Ombudsman**

In mid-2016, the Ombudsman of the Republic of Bulgaria, following a signal by a non-governmental organization, ordered an inspection at the SAR's centers on the protection of the rights of unaccompanied children. As a result of the examination, a Thematic Report on Checks and Assessment of the Status of the Rights of Unaccompanied Refugee Children Seeking or Who Have Received International Protection in the Republic of Bulgaria was presented. It states that in most centers, it is an established practice that children are first accommodated in separate rooms, after which the children themselves moved to the elderly. In some of the centers, the children are initially accommodated with an adult or family they indicate. Over the years, the SAR has made various attempts to create a separate area for unaccompanied minors, with the main problems stemming from the fact that the children have not been informed in advance and their opinion has not been taken into account, which is one of the reasons for the many run aways. The Social Welfare and Adaptation Directorate of the SAR is responsible to solve housing and household issues, but there is no specialized staff specifically designated to work with unaccompanied minors, as the main argument for this is that the SAR is not a child protection body within the meaning of the Child Protection Act. No effort was made in any of the centers with regard to the specific vulnerable group - unaccompanied minors.

<http://www.ombudsman.bg/pictures/Doklad%20nepridrujeni%20detca,%20bejantci.pdf>

#### **UNICEF**

The Report "Strengthening the Protection of Migrant Children in Bulgaria" was prepared in 2016 by the Bulgarian Helsinki Committee at the assignment of UNICEF and it examines the legislation in force in view of the principle of the best interest of the child. A key point in the report on the conditions for UAMs' placement is the necessity to disclose a specialized UAMs placement service which should be of a transient nature and have the task of taking care of unaccompanied children for the period from entry into the territory of our country to the point of finding a solution for them, be it reunification with the family, obtaining status, acquiring the right to a legal residence in the territory.

[https://www.unicef.bg/assets/PDFs/2016/Analysis\\_protection\\_for\\_children\\_refugee\\_and\\_migrants\\_Bg.pdf](https://www.unicef.bg/assets/PDFs/2016/Analysis_protection_for_children_refugee_and_migrants_Bg.pdf)

### ***Guardianship arrangements***

**Q10. a.** Please describe the arrangements for **guardianship** of unaccompanied minors depending on the status of the UAM, specifying also who can become a guardian to an UAM, the guardian's role, e.g. legal representation, etc., which unaccompanied minors are entitled to a guardian and until what age, etc.

The **LAR** regulates the representation of UAMs TCNs who have applied for international protection. A representative of the child is determined after the applicant has filed an application for international protection and the SAR administration informs the mayor of the municipality on whose territory the refugee center is located about the need to appoint a representative. The law also provides for the possibility that a minor or a juvenile foreigner seeking or having received international protection is accompanied by an adult who is responsible for him/her by law or custom, to be appointed by the mayor of the municipality as his/her representative. In practice, the second hypothesis is inapplicable in most cases, as aliens usually are without any documents and no relationship with the child can be demonstrated and, on the other hand, custom is irrelevant in the Bulgarian legal system and cannot be ground for entrusting the representation of unaccompanied child.

LAR provides for legal representation on its merits and covers the following commitments of the representative:

1. to take care of the UAM's legal interests in international protection proceedings until their final settlement by an

enforced determination;

2. to represent him/her before all administrative bodies, including social, health, educational and other institutions in the Republic of Bulgaria, in order to protect the best interests of the child;
3. to act as a procedural representative in all proceedings before the administrative authorities;
4. to take action to provide legal aid.

Article 25, para. 3 of LAR restricts temporarily the effect of this representation by stipulating that the representative of the minor or juvenile foreigner has the above mentioned powers until the person reaches the age of majority and in the proceedings under this law, after the final decision to determine the status of the child, there is virtually no representative. In practice, this representation ends with the submission of an application by the representative or with his or her participation in the issuance of a refugee's card or a card of a foreigner with a humanitarian status. The **Law on Bulgarian Personal Documents** contains special provisions on the representation of unaccompanied children with refugee status or humanitarian status upon application and issuing of an identity document. The legislator has also arranged an alternative option, in case the child has no appointed representative – then, the assistance for the issuing of the document should be provided by the director of the specialized institution in which the child is accommodated.

**Foreigners in the Republic of Bulgaria Act** regulates the representation of UAMs who apply for status of a stateless person. It is stated that the application for granting this status may also be submitted by a representative of a non-governmental organization working to protect the rights of vulnerable groups, or by any other person designated as its representative in accordance with an act thereof. Parallel to the introduction of the procedure for examining applications for the status of stateless persons in the end of 2016, a new provision is included in this Act, which regulates the common representation of unaccompanied foreign children in the proceedings under this law carried out by the "Social Assistance" Directorate at their place of residence.

The **Family Code** regulates a special type of legal representation for children who are legally placed with a protection measure in a foster family or in a family of relatives. The Code indicates that the persons, in whose care the child is placed, perform the necessary legal actions to protect the child's personal rights related to his/her health, education and civil status, as well as to issue identity documents under the Bulgarian Personal Documents Act after positive opinion of the Social Assistance Directorate. The scope of the powers of these persons is extended to the obligation to live with the child, to take care of the child's physical, mental, moral and social development, education and personal and property interests, to ensure constant supervision of the minor child and appropriate control of the behavior of the juvenile, to transfer the personal money of the child to a bank account in his/her name.

The regime of representation of unaccompanied children in Bulgaria is mixed and different in the different stages through which the child passes and therefore creates a number of contradictions in practice. During the procedure for examining his/her application for protection, the child's representative is an employee of the municipal administration for whom the law does not lay down specific requirements or criteria for education, childcare and professional skills as it does not regulate a reporting mechanism and control of the representative's actions. Thus, in practice, every employee in the municipality could be appointed as UAM's representative.

After a positive decision on the application for protection, the UAM is accommodated with an administrative measure of protection in a residential childcare service, a specialized institution, foster care, or a family of relatives. Until the court's confirmation, the representation of the children is carried out by the respective Social Assistance Directorate. Upon entering in force of the court decision, the representation is transferred in full to the foster parent or family in which the child is accommodated. A limited amount of authority is represented to the directors of services and institutions for children, as the special law delegates their rights only in supplying the UAM with identity documents.

In the case of UAMs who receive a negative decision on an application for international protection or have not made such an application, the legislation does not contain any specific provisions. In practice, these children do not have access to a number of rights - health, education, residence status, legal aid; therefore, the legal vacuum regarding the representation is secondary to the lack of regulation of children's fundamental rights.

**b.** What are the implications of unaccompanied minors' **transition** from the age of minority to 18 years of age for their guardianship arrangements up to that stage, e.g. are these unaccompanied minors still entitled to a guardian and until what age, or are they expected to become fully autonomous, also in terms of finances, etc.? What measures (if any) are in place to support the UAM before, during and after the transition, e.g. information provision, informal follow-up with guardians, etc.?

At the age of 18 years, UAMs are treated as adults; legally fully capable. In this respect, the trustee's co-operation with the representative is also dropped. If the UAM, already at the age of majority, is placed in a social service

"Observed dwelling", there is an opportunity to get support for building skills to lead a life of their own. It should be noted that according to the Social Services Registry, administered by the Social Assistance Agency, the number of "Observed Dwelling" services in the country is only 20 with a total capacity of 120 users, which significantly limits the possibilities of using the service.

c. Is there any research available on the **standard of guardianship** provided to unaccompanied minors in your (Member) State? On the **effects** of guardianship on the integration of the unaccompanied minors, including those turning 18 years of age (as conducted by relevant authorities, academics, NGOs, etc.)? Y/ N

If yes, please briefly describe the main findings and conclusions of such research and provide a full reference to the source (e.g. based on existing studies/ evaluations/ other sources or information received from competent authorities).

The Annual Report of the Bulgarian Helsinki Committee "**Human Rights in 2016**" sets out observations on the organization of the UAM refugee procedure, according to which the registration of unaccompanied minors in the SAR is carried out without the presence of a representative appointed by the municipal administration and in some cases - in the absence of a social worker. The observation also found that in 100% of the observed cases of unaccompanied minors, no guardian was appointed. In many cases, unaccompanied minors were not represented by a lawyer. In 2016, a number of meetings were held between the municipal administrations, the child protection departments on the ground, the SAR management, UNHCR and non-governmental organizations. As a result, by the end of 2016, a mechanism for the appointment of the representatives as per Law on Asylum and Refugees was established and their real obligations were defined. The application of the legislation on unaccompanied minors' representation started in the end of 2016 after being adopted in October 2015.

[http://www.bghelsinki.org/media/uploads/annual\\_reports/annual\\_bhc\\_report\\_2016\\_issn-2367-6930\\_bg.pdf](http://www.bghelsinki.org/media/uploads/annual_reports/annual_bhc_report_2016_issn-2367-6930_bg.pdf)

#### **Report "Strengthening the Protection of Migrant Children in Bulgaria" - UNICEF - 2016**

The analysis of Article 25 (1) of the LAR shows that the representative may be any person in the municipal administration. It is sufficient for this person to be a civil servant, as well as to be specifically appointed by the mayor of the respective municipality or a person authorized by him. Outside of the scope of the LAR remains the requirement of the Directive that person to have the necessary knowledge.

[https://www.unicef.bg/assets/PDFs/2016/Analysis\\_protection\\_for\\_children\\_refugee\\_and\\_migrants\\_Bg.pdf](https://www.unicef.bg/assets/PDFs/2016/Analysis_protection_for_children_refugee_and_migrants_Bg.pdf)

#### **Ombudsman's Report on Unaccompanied Minors' Rights - 2016**

Unfortunately, the new legislative decision in the provision of Article 25, in force since October 16, 2015, does not answer a number of essential issues related to the statutory representation, which in turn renders its inapplicable in many situations. In the course of the inquiry, the Ombudsman's team discovered a different practice in relation to the representation of unaccompanied minors. In some reception centers, interviews with children take place without a representative. In practice, any person appointed at a municipality in a position according to the established official schedule, without any additional criteria, could be assigned the functions of a representative /there is a registered practice where a regional mayor appointed a courier official as a representative of unaccompanied minor/. The established practice of applying Article 25 is still different: there are orders by which a mayor of a region has appointed several of its officers to act as a representative; in most cases outside Sofia the mayors appoint with a separate order a representative. It is therefore urgent to take action to set minimum criteria for representatives of the unaccompanied child under Article 25 of the LAR. To define clearly the specific responsibilities, entrusted with the functions of representation. The opportunity for the child to appeal the order with which he/she is appointed a representative in case of disagreement remains unclear. Uncertainties also arise in relation to the period for which a representative is appointed.

<http://www.ombudsman.bg/pictures/Doklad%20nepridrujeni%20detca,%20bejantci.pdf>

#### **Challenges and good practices**

**Q11.** Please indicate the main **challenges** associated with the care of unaccompanied minors in your (Member) State experienced by both unaccompanied minors, including those turning 18 years of age, and/ or the competent authorities (e.g. based on existing studies/ evaluations, information received from competent authorities, NGOs/ IGOs, case law, etc.) and how these challenges could be overcome. Please provide references.

The approach adopted in the care for UAMs is that that care should be provided and guaranteed by the existing

system and services for Bulgarian children under state care. This would be a good approach if the available system and services were adapted to meet the specific needs of UAMs TCNs. Since the beginning of the migration crisis in 2013, the Bulgarian UAMs' support system has failed to build the necessary capacity and to reach the established international standards in the care of these children. Serious challenges are encountered in almost all areas of concern and they have a negative impact on the situation of children, while making it extremely difficult for employees of all institutions to work. The main difficulty arises from different treatment and access to rights according to the status.

**Identification and Age Determination** - no procedure in practice. In the absence of documents, the age of a UAM is determined according to what he/she has declared to the authorities, and in the case of refusal of assistance, at the discretion of the police officer on external signs. In migration law, unlike refugee law, no medical expertise has been introduced as a procedure.

**Legal status** - despite the country's undoubted commitment to provide appropriate care for all children on its territory, including UAMs TCNs, the current legislation regulates access to basic rights for children only during the international protection procedure and after it is completed for those children who are granted refugee or humanitarian status. The other children - with refusal for protection or who have not applied for it - are in practice accommodated in children's services and are provided with shelter and food only, without access to any other rights. A key moment in accessing these children's rights is to set up a temporary/tolerated stay that could provide them with health, education and other care until majority or leaving the country.

**Accommodation** - there is no uniform practice in accommodating children. The lack of a specialized UAMs center requires that any case has to be resolved at the moment, even in some situations, persuading the UAM to file an application for protection because the procedures with children seeking protection are largely regulated by the law. During the procedure for examining the application for protection, the UAM is housed in the open-type centers of the SAR, where in the last years there were no suitable conditions and guarantees for children's safety. The practice is that only the youngest children should be directed to the social services system where they are housed in social services. In recent months, efforts have been made in the SAR Centers to separate special secure zones for UAMs only, but even if this happens, it remains unresolved to ensure 24-hour continuous care and supervision of children because after the end of the working hours of the social experts at 5:30 pm, only the guards remain in the center. On the other hand, there is a lack of adequate capacity for care for UAMs provision in social services for children. Very often, social workers find it difficult to find a place to accommodate a particular child and find a refusal on part of service managers, mainly because of a language barrier, lack of any documents for the child, including medical ones, which can prove the child is not carrier of contagious diseases.

**Representation** - the imperfections of the legal framework of the legal representation of UAMs in the application procedure for international protection and the extremely heterogeneous regime in the period thereafter. There is also a legislative vacuum in certain hypotheses. Formal implementation of the representative's functions.

**Language barrier** - the SAR, social units, social services and UAMs' representatives do not have translators to communicate with them, and carry out social work and support. In many cases, UNHCR or non-governmental organizations are encouraged to make a short translation, but this hinders genuine social work with the child.

**Training of professionals** - systemic training is needed for staff of institutions and service staff working directly with children.

**Lack of a single database for unaccompanied minors** - at present, no law introduces obligations for any institution to collect and analyze statistical or other information on a standardized methodology for UAMs TCNs. In practice, each individual institution handles different data, which in most cases is incomparable due to the different collection and analysis methodology.

**Lack of targeted policy to support UAM in transition to adulthood** - up to now, the status and rights of UAMs TCNs has not been subject to wide public interest, and there is not much research and publications available on the subject. The reports and analyses mentioned in the previous sections contain a critical review of key issues related to the care of UAMs in Bulgaria and formulate suggestions for overcoming the challenges.

**Q12.** Please describe any examples of **good practice** in your (Member) State concerning the care of unaccompanied minors, including those turning 18. *Please identify as far as possible who considers the practice in question as successful, since when the practice has been in place, its relevance and whether its effectiveness has been proven, e.g. through an (independent) evaluation. Please reference any sources of information supporting the identification of the practice in question as a 'good practice' (e.g. evaluation reports, academic studies, information received from competent authorities, NGOs/ IGOs, etc.).*

No information

## Section 4: Integration of unaccompanied minors, including transitional arrangements for unaccompanied minors turning 18 years of age [max. 10 pages]

*This section of the Synthesis Report will provide a factual, comparative overview of the integration measures in place for unaccompanied minors in the (Member) States, such as access to education and employment – including any transitional arrangements in place for unaccompanied minors turning 18. The aim of this section is to report on integration measures available specifically to unaccompanied minors following status determination (and not to duplicate information covered in other EMN studies on general integration measures). Where the provisions differ from those unaccompanied minors without a determination on their applications, this should be indicated. If applicable, please also distinguish between provisions that apply to all unaccompanied minors, as well as those that apply to certain groups of unaccompanied minors, e.g. non-asylum seeking unaccompanied minors, trafficked children, etc.*

### Overview of integration provisions and organisational set-up in the (Member) State

**Q13. a.** What **priority** is given to the integration of unaccompanied minors in your (Member) State?

At political level, integration is considered as an extremely important tool for achieving a positive effect of the migration process, but the real situation in the country is indicative that this is only a declarative thesis. For 4 years now, there has been no integration program corresponding to the measures foreseen in the National Strategy on Migration, Protection and Integration. In the end of 2016, an Ordinance on the Integration of Foreigners with Granted International Protection was adopted, but so far no municipality has expressed any desire and interest in concluding such an agreement and, in practice, the national policy is blocked. This integration system is relevant to UAMs who are over 18 and treated as fully independent. The integration of the UAMs under the age of 18 is implemented through the basic guarantees of their rights in the period under which they are protected by the state. An important step in the integration process for UAMs seeking or receiving international protection was the adoption of a normative act, which regulated access to education. From the moment of filing the application for international protection, UAMs have access to integration measures and services that continue after the final status determination. The refusal to grant protection or not applying for international protection restricts to a certain extent the access of UAMs to integration measures.

**b.** Please provide a brief overview of the provisions in place in your (Member) State for the **integration** of unaccompanied minors following their status determination, indicating in particular how the legal status of the UAM defines his/ her specific integration trajectory (e.g. refugee, beneficiary of subsidiary protection, other statuses granted, etc.).

Regarding the UAMs, there is no general normative act regulating their integration rights, rather they are regulated in different normative acts. The integration of the UAMs in transition period after reaching the age of 18 years is carried out under the terms of Article 37a of the LAR, according to which the holders of international protection are offered to sign an agreement on integration. The scope of integration rights when signing an agreement on integration is defined in the Ordinance on the conditions and procedure for signing, implementing and terminating an agreement on the integration of foreigners with granted asylum status or international protection. The LAR and the FRBA determine the volume of the TCNs rights according to their status. The basic law defining the UAMs' integration path after the status determination is the Child Protection Act, which regulates the placement of children with a protection measure. The Law on Preschool and School Education regulates the admission to the education system of UAMs TCNs. The Health Insurance Act regulates access to healthcare.

The Bulgarian Law on Asylum and Refugees (LAR) provides for two types of international protection, granted by the Chairman of the State Agency for Refugees: refugee status (LAR, Article 8) and humanitarian status (LAR, Article 9). According to the LAR, refugee status holders have the rights of Bulgarian citizens excluding the right to vote in central and local elections and referendums; to be members of political parties; to take office for which Bulgarian citizenship is required by Law; to serve in the army (LAR, Article 32, 1). Humanitarian status holders have the rights of foreigners with permanent residence in Bulgaria (LAR, Article 32, 2), which includes work

without special permission, education in state schools and universities, access to the healthcare system, family reunification on the territory of Bulgaria, Bulgarian citizenship 5 years after receiving the status, traveling abroad under the terms and conditions for foreigners with permanent residence in Bulgaria. The status of a stateless person grant them an opportunity for long or permanent residence and with rights similar to those of a foreigner with a humanitarian status.

The lack of legal residence status for UAMs with refusal of an application for international protection or who have not applied, despite being under the care of the state, greatly limits their integration capacities in the areas of healthcare, education, the labor market, services. This is also the case with the UAMs immediately after the 18th birthday, and at that moment on they are deprived of basic services - shelter and food, and administrative measures for forced return can be applied to them.

**b.** Do the above provisions **differ** from those for accompanied minors, as well as for adults and if so, how?

Yes, they are different. UAMs, irrespective of their status, are under state care and they are accommodated in existing services and institutions for children and their access to certain rights is determined according to the lawfulness of their status. Accompanied children most often follow their parents' path. There are two possibilities at the end of the procedure. If granted international protection status, they should leave the SAR center and register in a municipality within 14 days. According to the Ordinance on the conditions and procedure for signing, implementing and terminating an agreement for the integration of foreigners with granted asylum or international protection, the mayors of municipalities declare to the Chairperson of the SAR the number of refugees with whom they can sign an agreement. The State Agency for Refugees prepares integration profile of the foreigners in the procedure for granting international protection and informs them for the possibility of signing an integration agreement, organizes and conducts information campaigns to present the municipalities. The Municipality sends to the State Agency for Refugees the individual integration plan prepared together with an integration agreement signed by an adult foreigner (family member). So far, none of the 265 municipalities in Bulgaria has declared their willingness to sign integration agreements and the Ordinance does not apply. This practically leaves these people together with their children on the streets without shelter, food, and state support.

The other hypothesis is the case of a determination for refusal, termination or withdrawal of the international protection application or in case of a ceased procedure, the provisions of the Foreigners in the Republic of Bulgaria Act shall apply to the foreigner and the children accompanied by them. A compulsory administrative measure for return is applied and, under certain conditions, foreigners can be accommodated in a closed-door center until their return.

**c.** Please describe the procedure (if any) in place in your (Member) State to determine the **best interests of the child** with regard to the integration of unaccompanied minors. Is this set out in legislation or any other internal administrative regulations?

As already mentioned in the previous section, the principle of the best interest of the child is regulated in the Bulgarian legislation, but no procedure has been established for its determination. However, according to a well-established methodology for dealing with cases of children at risk, the case of each child with a protection measure is assigned to a specific social worker who collects information from all possible sources about the situation of the child and his/her family. The social worker makes an assessment of the child's needs and plans measures for their future development - healthcare, education, legal status, leisure time organization, use of services, needs of external support. The prepared plan is necessarily reviewed over a period of time (3 or 6 months) and builds on the changes in the child's life or emerging needs.

**Q14.** Which **national/ regional/ local authorities and organisations** (including NGOs where relevant) are responsible for the integration of unaccompanied minors following status determination? Please describe in particular the competent authorities responsible for the provision of education, employment support, etc., what their specific remits and roles are, any authorities specifically ensuring the principle of the 'best interests of the child' is taken into account, etc.

Name of national competent authority/ organisation	Brief description (e.g. remit/ role, etc.)	Main activities/ responsibilities
The Ministry of Labor and Social	Responsible for developing a	Defines the directions of the state



<p>Policy (MLSP)</p> <p>Employment Agency</p> <p>Agency for Social Assistance  </p> <p>147 Social Assistance Directorates (SAD)</p>	<p>national child protection policy</p> <p>The national institution responsible for employment assistance through its Employment Agency</p> <p>Executive agency in the field of labor market policies</p> <p>It implements the national policy for child protection and guides the process at national level</p> <p>It applies measures for protection of UAMs and plans their integration measures into an action plan.</p>	<p>policy</p> <p>Through the network of its territorial Labor Bureaus, the EA offers a range of employment support services designed for the general population and accessible to refugees and humanitarian status holders.</p> <p>It provides methodological guidance and controls the work of the SAD</p> <p>Works on specific cases of children together with all institutions involved in the case</p>
<p>The Ministry of Education and Science (MES)</p> <p></p> <p>Regional Educational Offices</p> <p></p> <p>Schools/Kindergartens</p>	<p>Lead national institution responsible for facilitating access to education of holders of international protection</p> <p>Educates UAM</p>	<p>Defines the directions of the state policy</p> <p>Refers UAMs to a specific kindergarten/school</p> <p>Assists to provide an interpreter for the initial interview with the child to identify the group/class concerned</p> <p>A dedicated team assesses the educational needs of the particular child and plans for educational support measures; periodically assesses the progress of each child and the need for new or additional support measures</p>
<p>Mayors of the Municipalities</p>	<p>Local authorities bodies</p>	<p>Manage and control social services for children on the territory of the municipality</p> <p>Maintain the activity and security of municipal schools and kindergartens</p>

### Access to education

**Q15. a.** When providing access to **education** to unaccompanied minors in your (Member) State following status determination, how are the following aspects dealt with?

- Is access to education **automatic** for unaccompanied minors who have obtained a status, which is **not** covered by the Qualification Directive? Does this group of unaccompanied minors have the same right to education as nationals of the (Member) State? Y/ N

Yes. Article 26 (1) of the LAR states that minors who are seeking or have been granted international protection have the right to primary and secondary education, including vocational education and vocational training, under the conditions and procedure for Bulgarian citizens. Para. 3 stipulates that access to the education system for minors who are seeking or who have been granted international protection **cannot be postponed for more than three months** from the date of filing the application for international protection.

- Does the (Member) State undertake any form of **individual assessment** to ensure that the education provided to unaccompanied minors is adapted to the age, level of education in the country of origin, degree of language barrier of the UAM, etc.? Y/ N

ORDINANCE No 3 of 06.04.2017 on the conditions and the procedure for admission and training of persons seeking or having granted international protection regulates the admission of persons seeking or receiving IP who do not have a document for completed class or stage and the validation of acquired competencies for students enrolled in V or higher grades from lower secondary education (V-VII grade). According to the Ordinance, pupils from 1st to 4th grade (initial stage of primary education) do not validate competencies by enrolling by age in the relevant class and receive additional training in Bulgarian as a foreign language and on subjects for equalizing their educational opportunities with those of their peers. A committee is being set up in the school/kindergarten to interview the child, on the basis of which a proposal in which class the child to be enrolled is made. Under Bulgarian law, education for children is mandatory until the age of 16, and pre-primary education is compulsory from the school year beginning in the year of the child's 5 year of age. Mandatory pre-school and school education in state and municipal kindergartens and schools is free for children and students. Despite the compulsory nature of education, the number of foreign children attending school continues to be significantly low.

Are any **special measures** to support access to education specifically for unaccompanied minors available in the (Member) State, in particular language training\*, guidance regarding the national education system, etc.? Y/ N

\* Are there specialised institutions for the language training of unaccompanied minors? Does language training take place in public schools, in specialised language courses for unaccompanied minors or minors in general, or within adult language learning programmes for foreign citizens?

Children and pupils seeking or having received international protection, enrolled in state and municipal kindergartens and schools in the Republic of Bulgaria, shall be provided with the following resources:

1. additional modules on the educational subject "Bulgarian language" - for children who are in compulsory pre-school age;
2. additional training in Bulgarian language and literature as part of the general support for acquiring the expected learning outcomes of the subject matter defined in the curriculum for the relevant class - for pupils in compulsory school age;
3. additional training in Bulgarian as a foreign language to support their inclusion - for pupils in compulsory school age.

All-inclusive and special support measures are planned in the Inclusive Education Ordinance, which could be provided to students according to their needs.

The overall support for personal development in the kindergarten is to include individual children in activities according to their needs:

1. training through additional modules for children who do not speak Bulgarian;
2. implementation of psychomotor, cognitive and linguistic development programs;
3. individual and group work with established language and/or emotional-behavioral, and/or sensory difficulties.

The overall support for personal development in school includes:

1. teamwork between teachers and other pedagogical specialists;
2. career orientation of students;
3. activities according to individual interests;
4. library-information services;
5. healthcare by a healthcare professional in the health office in the school;
6. provision of a boarding house;
7. encouragement with moral and material awards;

- 8. activities to prevent violence and overcome problematic behavior;
- 9. activities to prevent learning difficulties, including logopaedic work.

- Do unaccompanied minors receive **education in accommodation centres**, or as part of the **mainstream schooling system**? Or are there **other education arrangements** for unaccompanied minors in your (Member) State? Y/ N

UAMs' education takes place in state and municipal mainstream schools and kindergartens, along with Bulgarian children and in the approved general education programs. Additional forms of educational support can also be organized in the services/institutions where the UAM is located. In some cases, educational support for UAMs is provided by volunteers or non-governmental organizations in out-of-school time.

Please provide any other important information in relation to access to education for unaccompanied minors *not covered above*.

The described access to education and educational support is valid for UAMs who have received a positive decision on their application for protection. The remaining UAMs (who do not have a legal residence status) do not have access to the education system. Typically, non-formal education is sought for them, and educational support is provided by non-governmental organizations.

**b.** What are the implications (if any) of unaccompanied minors' **transition** from the age of minority to 18 years of age for their access to education up to that stage, e.g. do unaccompanied minors have the possibility to continue compulsory education post-18, to progress to third-level education, vocation studies and training, etc.? What measures (if any) are in place to support the UAM before, during and after such a transition, e.g. information provision, education pathway/ plan, personal adviser, etc.?

UAMs are entitled to continue their compulsory education after the age of 18 years until the completion of the respective educational level. If an UAM continues their education after reaching 18 years, they retain the right to remain at the place where they are placed with a protection measure until the completion of their education but not more than 20 years of age. During this period, the UAMs receive support from the Child Protection Units at SAD - Article 21, item 1 of the Child Protected Act stipulates, "The Social Assistance Directorate supports the professional orientation and qualification of children at risk, including those who have completed their secondary education after the age of majority." Additional support for personal development continues to be provided by the school following the child or pupil support plan prepared after the assessment of the individual needs of the child or pupil.

**c.** Is there any research available on the **quality of education** provided to unaccompanied minors in your (Member) State? On the educational performance of unaccompanied minors? On the **effects** of the access to education on the integration of the unaccompanied minors, including those turning 18 years of age (as conducted by relevant authorities, academics, NGOs, etc.)? Y/ N

If yes, please briefly describe the main findings and conclusions of such research and provide a full reference to the source (e.g. based on existing studies/ evaluations/ other sources or information received from competent authorities).

No. The legal framework dates back to mid-2017 and there is still not enough practice to be explored.

### **Access to (support to) employment**

**Q16. a.** When providing **access to employment**<sup>3</sup> to unaccompanied minors in your (Member) State following status determination, how are the following aspects dealt with?

- Is access to employment **automatic** for unaccompanied minors upon obtaining a permit to stay which is **not** covered by the Qualification Directive? What does the access include, e.g. internships, traineeships, vocational preparation, etc.? Is this subject to rules generally applicable to the profession and to the public service? Is this conditional upon obtaining a work permit, etc.? Y/ N

The conditions and the order of employment of underage children in Bulgaria are regulated by the Labor Code and

<sup>3</sup> Please note that this need not apply to unaccompanied minors who are still in full-time education.

Ordinance No. 6 of 24.07.2006 on the conditions and procedure for granting work permits to persons under 18 years of age. There is no special procedure for access to the labor market for TCNs, so the general legal framework regulating access to the labor market for adult TCNs is relevant. In order to carry out work, the third-country national must reside legally in the country, have a corresponding residence permit issued by the Ministry of Interior (e.g. stateless person status) or be a holder of international protection. This legal status gives equal access to the labor market of TCNs as of Bulgarian citizens, except for the work for which Bulgarian citizenship is required.

Article 9 of the Labor Migration and Labor Mobility Act fully regulates the conditions where a third-country national can work **without a permit for access to the labor market**. They cover persons with a long-term or permanent residence permit in the Republic of Bulgaria and members of their families; TCNs with granted right of asylum or granted international protection in the Republic of Bulgaria under the terms of the Law on Asylum and Refugees; TCNs who are in the process of applying for international protection if the proceedings are not completed within three months of filing his/her application for international protection for reasons beyond his/her control (Article 29 (3) LAR).

The existing legislation generally allows children to work under certain conditions and certain types of work after a certain age, but a **licensing regime** has been introduced by the Labor Inspection Directorate as a protective measure for juveniles.

The Bulgarian government has provided the members of this group with both tailored programs and those designed for the general population. Refugee and humanitarian status holders have the right to register as unemployed at the Bulgarian Employment Agency and to take part in all labor support measures foreseen for the host population: provision of information, mediation and support in job placement, professional orientation, motivation and professional qualification courses. In addition, refugee and humanitarian status holders have access to employment support programs designed specifically for them. Bulgaria provides a range of support measures to indirectly facilitate the access and integration into the labor market of beneficiaries of international protection. Such measures include the conduct of Bulgarian language courses, orientation courses, vocational training, counseling services provided by state institutions and/or NGOs.

- Is the access to employment for unaccompanied minors **limited** in any way, for example, open only to unaccompanied minors of a certain minimum age after status determination, or restricted for a certain period and/ or limited to a maximum number of days per year? Are these limitations for unaccompanied minors same as those applied to minors who are nationals of the (Member) State? Y/ N

The legal regime for access to the labor market for UAMs TCNs, which have legal status, is relevant to that of underage Bulgarian citizens and is regulated in the Labor Code. The minimum age for admission to work is 16 years. Exceptionally, workers from 15 to 16 years of age may also be admitted to work that is mild and not dangerous or harmful to health and for their proper physical, mental and moral development and whose performance would not be an obstacle to regular school attendance or participating in vocational guidance or training programs. Exceptions: pupils' positions in the circuses include girls aged 14 and boys over 13 years of age, and those who have not completed 15 years of age can take part in film shooting, theater preparation and other performances, under conditions of relaxation and in accordance with the requirements for their proper physical, mental and moral development. The persons under the age of 16 years are admitted to work after a thorough medical examination and medical conclusion that they are fit to do the job and it is not to harm their health and to prevent their proper physical and mental development. Persons under the age of 16 years are admitted to work with the permission of the Labor Inspectorate on a case-by-case basis. The Labor Code explicitly lists types of jobs that are prohibited to be performed by juveniles, as well as special conditions that must be created by employers such as: facilitated working conditions and conditions for acquiring professional qualification and for its promotion, reduced working hours, longer breaks and additional annual leave.

UAMs who have refusal on their application for international protection or have not applied do not have access to the labor market.

- Are any **special measures** to support access to employment specifically for unaccompanied minors available in the (Member) State, in particular vocational guidance, jobseeker allowance for unaccompanied minors not able to find employment, etc.? Y/ N

National legislation and employment promotion programs do not treat UAMs TCNs as a separate group of

individuals. Incentive measures are mainly applied to unemployed people, i.e. persons of legal working age who are fit physically and mentally to work. The statutory working age in Bulgaria is 18 years. The above-mentioned employment opportunities for minors are an exception to the general regulation and for each individual job and person should be obtained a permit from the labor inspectorate.

Article 18, paragraph 3 of the Employment Promotion Act regulates the services and rights of persons who are not Bulgarian citizens. UAMs who wish to work can register at the Labor Bureaus at the Employment Agency as learners who wish to work during their free time. This group has access to the following support services: information on vacancies announced; mediation of information and employment; psychological support; professional orientation.

The Child Protection Act provides for special powers for the protection bodies - Social Assistance Directorates, to support the professional orientation and qualification of children at risk, including those who have completed their secondary education after reaching the age of majority.

- Please provide any other important information in relation to access to employment for unaccompanied minors *not covered* above.

There is no information for the employment of UAMs TCNs in the country.

**b.** What are the implications (if any) of unaccompanied minors' **transition** from the age of minority to 18 years of age for their access to employment up to that stage? What measures (if any) are in place to support the UAM before, during and after the transition, e.g. ongoing employment support as part of integration pathway/ plan, personal adviser, etc.?

At the age of 18 years, UAMs with legal status have full access to the labor market (the labor inspection permit regime drops) and all incentive measures for unemployed persons or persons with international protection. In relation to job search, after 18 years of age, UAMs can register as unemployed persons in the Labor Bureau and use the following services: information on vacancies announced; information on programs and measures to preserve and promote employment; mediation of information and employment, psychological assistance; professional orientation; inclusion in adult learning; inclusion in employment and training programs and measures; study grants, transportation and accommodation for the duration of the training. For each registered unemployed person, an action plan is being prepared, in which support measures are planned together with the unemployed job mediator.

The National Employment Action Plan, adopted annually by the Council of Ministers, for 2018 as well as for previous years, envisages special measures for the employment of refugees such as:

- Training on key competence "Communication in a foreign language - Bulgarian language";
- Training to acquire first degree of professional qualification or qualification for part of the profession;
- Subsidized employment for some of the successful graduates to acquire professional qualifications;
- Occupation in the primary market for part of the successful graduates;
- Subsidized employment for unemployed persons employed in municipal administrations, in transit and registration and reception centers for work with refugees.

**c.** Is there any research available on the **quality of employment access support** provided to unaccompanied minors in your (Member) State? On the **effects** of the access to employment on the integration of the unaccompanied minors, including those turning 18 years of age (as conducted by relevant authorities, academics, NGOs, etc.)? Y/ N

If yes, please briefly describe the main findings and conclusions of such research and provide a full reference to the source (e.g. based on existing studies/ evaluations/ other sources or information received from competent authorities).

No

**Family reunification**

**Q17.** Please provide here any updated information on the **possibility for family reunification** for unaccompanied minors since the 2016 EMN Focussed Study on "Family Reunification of Third-Country Nationals in the EU plus Norway: National Practices."

For the period after the elaboration of the national report "Family Reunification of Third-Country Nationals in the EU plus Norway: National Practices" in 2016, no changes have been made to the legal framework and practices for implementing the possibility of family reunification of the TCNs.

#### **Other integration measures supporting unaccompanied minors**

**Q18. a.** Does your (Member) State have any **other integration measures** in place supporting unaccompanied minors, for example healthcare, recourse to public funds, etc.? Y/ N

If yes, please provide information on these measures below, citing any evidence on their **effects** on the integration of the unaccompanied minors where available (e.g. based on existing studies/ evaluations/ other sources or information received from competent authorities).

Yes. UAMs with refugee or humanitarian status have access to the full package of health services, the same as that of Bulgarian children. They can also use free of charge all types of social services for children provided by the state or municipalities or by private service providers. Non-governmental organizations such as Caritas, FICE, Lumos, BRC implement various projects in support of UAMs integration - courses in English, French, Bulgarian; cultural orientation and leisure time organization of children with educational playing activities. However, these activities are mainly focused on the SAR centers during the international protection procedure and with very few additional options available to UAMs, who, after the final decision on their international protection are accommodated in residential services and institutions for children. The NGO Rights Watch, working in the field of educational support for children under state care, has been working with two Afghan children for the past few years and supports them both in school preparation and learning their mother tongue.

There are no studies and publications on the impact of UAMs' integration measures.

**b.** What are the implications (if any) of unaccompanied minors' **transition** from the age of minority to 18 years of age for their access to the above-mentioned right(s) up to that stage, for example:

- Is there any welfare benefits cut-off and/ or cut-off of family reunification rights, etc. when unaccompanied minors reach 18 years of age? Y/ N

By the 18th birthday, UAMs are not entitled to social benefits, as they are fully state-sponsored in residential childcare or other forms of accommodation. Upon reaching the age of majority, their protection measure is terminated, and in case they continue their education, the support continues until the end of the education but not above the age of 20 years. After the termination of the protection measure, the UAM who has reached the age of 18 years is obliged to care alone for their well-being. One option is to be referred to an integration agreement with a municipality, which guarantees a certain package of integration measures. The second option is to be referred to the social system - services for access to the labor market, social assistance and social services.

The right to family reunification of UAMs is not lost after the age of 18 years.

- Does your (Member) State have any measures in place to support the UAM before, during and after such a transition (please specify these measures)? Y/ **N**

No.

Following the migration crisis in 2013, care for the UAMs TCNs is a serious challenge for the Bulgarian institutions due to the lack of experience in coping with a large number of UAMs, gaps in the legal framework regarding the rights of these children and the lack of practices. During this period, the focus of the institutions' work was on the development of care capacity for children before reaching the age of majority. No specific policies and measures are planned to support UAMs in the period of transition to adulthood. Therefore, the only possibility for UAMs at this age is to benefit from the measures created to support Bulgarian children under state care who are about to cease the protection measure due to the age of 18 years.

### *Further monitoring of unaccompanied minors' transition to adulthood*

**Q19.** Further to any information on after-care already provided above, please describe any (other) **monitoring mechanisms/ reviews/ evaluations** ensuring the effective transition of unaccompanied minors to adulthood, including the types of measure(s) undertaken and the duration of the monitoring period after unaccompanied minors reach 18 years of age.

There is no established system for monitoring of the transition of unaccompanied minors to adulthood.

### *Consequences of a temporary residence permit on the care/ integration of unaccompanied minors*

**Q20.** What impact does the expiration of a **temporary residence permit** have on the above-mentioned care arrangements/ integration measures for unaccompanied minors in your (Member) State, e.g. possibility for education-related extension of a temporary residence permit originally granted on grounds of international/ humanitarian protection, unaccompanied minors disappearing from care, etc.?

The Bulgarian migration system does not allow for granting of a **temporary residence permit**. During the international protection procedure, the UAMs TCNs, as well as adult TCNs, enjoy a set of rights. Upon a positive decision, they may be granted refugee or humanitarian status, which are not restrictive with regard to the time spent on the territory of the country, unless the respective status is withdrawn. UAMs are not a subject to coercive measures to return, but other possibilities for returning to the country of origin are sought in case of an unfavorable determination on the application for protection.

### *Challenges and good practices*

**Q21.** Please indicate the main **challenges** associated with the integration of unaccompanied minors in your (Member) State experienced by both unaccompanied minors (including those turning 18 years of age), and/ or competent authorities (e.g. based on existing studies/ evaluations, information received from competent authorities, NGOs/ IGOs, case law, etc.) and how these challenges could be overcome. Please provide references.

Before the increased migratory pressure in 2013, the Bulgarian institutions did not face the specificities of UAMs TCNs care, and on such a significant scale for the state, which largely contributed to the lack of capacity to meet the children's needs. The most serious difficulty for all stakeholders - UAMs and professionals, was the language barrier. Insufficient translators in rare languages have made it extremely difficult at the start of the crisis, but also now, the work of police officers and social workers in identifying and determining the age of UAMs and, in general, determining the best interest of the unaccompanied child. It turned out that, in addition to the lack of practices for working with UAMs TCNs and appropriate reception conditions, a major challenge in the work of all institutions was the insufficient or, in some cases, lacking regulatory framework. The legislative amendments were made late in 2015. The LAR was amended in the field of legal representation of UAMs, but the new legislative decision to transfer the responsibility for appointing UAMs' representatives from the social services to the municipal administrations has caused a lot of staff shifts and risks for UAMs' rights in an international protection. Two years since the entry into force of the legal amendment, serious difficulties continue to arise with the representation of the UAMs and, in practice, the international and community standards in this area have not been reached. Another serious challenge is finding suitable accommodation. UAMs who are accommodated in the SAR centers are somewhat limited in access to a child-friendly environment due to the fact that these centers are not built according to child service standards and are not specifically tailored for this purpose. The staff in these centers consists of administrative staff whose working time ends at 17.30 and after their departure, the children remain without special supervision and care until the next morning. On the other hand, specialized services for children and institutions also encounter a number of difficulties in addressing this target group of children due to the language barrier and lack of specialized staff trained to work with them. This in many cases leads to the refusal of service directors to accept children referred to them by Social Assistance Directorates. To some extent, refusals to place UAMs TCNs in services have been influenced in some situations by a negative public response of the local community for admission of children TCNs.

Barely in the first half of 2017 a normative act, which regulates the access to education of children seeking or having received international protection (including UAMs), was adopted. Serious difficulties are encountered on the one hand with the UAMs's motivation for learning, and on the other hand, with finding suitable schools for children to be enrolled into, in view of the ability of the school to provide additional educational support.

On the other hand, despite the fully accountable state responsibility for UAMs up to 18 years of age, for UAMs who have a negative decision on their application for protection or have not applied at all, no progress has been made in recent years in adapting the legal framework to guarantee the rights of this group of children. Currently, for

these UAMs there is no regulation of their legal status, representation, legal aid, access to health, education and social services, support in the age of transition to adulthood.

While drafting the current report, a very significant challenge has arisen, hampering the work of professionals in the direct care of UAMs and inevitably the process of developing and shaping the national care policy for this group of children, namely the **lack of a legal framework to build and maintain a unified information system for unaccompanied children based on uniform and standardized criteria**. At present, institutions collect different data on different criteria and essentially for their own needs, and there are virtually no single statistics on the number, characteristics and movement of unaccompanied minors TCNs.

**Q22.** Please describe any examples of **good practice** in your (Member) State concerning the integration of Unaccompanied minors – including those turning 18, as well as disappearing unaccompanied minors – identifying as far as possible who considers the practice in question as successful, since when the practice has been in place, its relevance and whether its effectiveness has been proven, e.g. through an (independent) evaluation. Please reference any sources of information supporting the identification of the practice in question as a 'good practice' (e.g. evaluation reports, academic studies, information received from competent authorities, NGOs/ IGOs, etc.).

No good practices are identified at the moment of report drafting.

## Section 5: Return of unaccompanied minors [max. 10 pages]

*This section of the **Synthesis Report** will report on the return arrangements for unaccompanied minors as stipulated in Directive 2008/115/EC (i.e. Art. 10, Art. 17) without duplicating information covered in the forthcoming EMN study on 'The effectiveness of return in EU Member States: challenges and good practices linked to EU rules and standards.'*

### *Overview of the return procedure and its legal and organisational set-up in the (Member) State*

**Q23.a.** Does your (Member) State **return** unaccompanied minors? Y/ N

If so, please provide a brief overview of the provisions in place in your (Member) State with regard to the **return** of unaccompanied minors to the country of origin when the minor receives a negative decision on his/ her application for asylum/ another status:

- Possibility for an UAM to be returned to the country of origin through a **voluntary return**? Y/ N

If yes, please describe the procedures/ processes under which an UAM may be returned voluntarily to the country of origin according to national legislation/ policy and practice, including any challenges.

No return decisions are issued against children, as a matter of standard national policy, based on recommendations from the Commissioner for the rights of children.

- Possibility for an UAM to be returned to the country of origin through an **assisted voluntary return**? **Y**/ N

If yes, please describe the Assisted Voluntary Return and Reintegration (AVRR) programme available in your (Member) State and the procedures/ processes under which an assisted voluntary return of an UAM may be carried out, including any challenges.

Yes. The program is implemented by the Mission of Bulgaria to the International Organization for Migration. Since 2009, IOM Bulgaria has implemented numerous voluntary return and reintegration programs, mainly on projects funded by the European Commission through the Asylum, Migration and Integration Fund. The "Support for Voluntary Return and Reintegration of Third-Country Nationals" project aims to contribute to improving the management of the return of third-country nationals by promoting and facilitating voluntary return, as well as by raising the awareness of the TCNs on the possibilities for voluntary return and reintegration into their countries of origin and third countries.

The target group for the project is all third-country nationals listed in the following categories according to Article 11 OF REGULATION (EU) No 516/2014 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL:

- a) third-country nationals who have not yet received a final negative decision in relation to their request to stay, their legal residence and/or international protection in a Member State, and who may choose to make use of

voluntary return;

(b) third-country nationals enjoying the right to stay, legal residence and/or international protection within the meaning of Directive 2011/95/EU, or temporary protection within the meaning of Directive 2001/55/EC in a Member State, and who have chosen to make use of voluntary return;

(c) third-country nationals who are present in a Member State and do not or no longer fulfil the conditions for entry and/or stay in a Member State, including those third-country nationals whose removal has been postponed in accordance with Article 9 and Article 14(1) of Directive 2008/115/EC.

In addition, the project focuses on the support of vulnerable persons according to the criteria of Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals, which also includes unaccompanied minors. IOM also has financial support programs for voluntary return as well as reintegration assistance after returning to the country of origin. The reintegration measures can be: medical assistance and purchase of medicines; psychosocial or health support; education of children; re-qualification courses and labor orientation; counseling and financial support when presenting a business plan for starting a small business; other measures to support successful reintegration as a means of providing urgent social and household needs. For TCNs belonging to a vulnerable group, the reintegration allowance is up to EUR 2000, which is provided in kind on the spot in the state of return. **For the period 2014-2017, IOM returned a total of 12 UAMs to their countries of origin.**

- Possibility for an UAM to be returned to the country of origin through a **forced return**? Y/ **N**

If yes, please describe the procedures/ processes under which an UAM may be subject to a forced return to the country of origin according to national legislation/ policy and practice, including any challenges.

No

**b.** Please describe the procedure (if any) in place in your (Member) State to determine the **best interests of the child** once a negative decision has been reached. Is this set out in legislation or any other internal administrative regulations? *Please cross-reference/ summarise here any aspects of the BID procedure for unaccompanied minors subject to a return decision already covered under the EMN study on return (see above) and provide any additional information).*

There is no legislative procedure in place. The assessment is made by a social worker before the child is accommodated in an appropriate service or institution according to the criteria set out in the legal definition of "best interest of the child" in the Additional Provisions of the CPA, paragraph 1, point 5. Decisions for return are not taken for unaccompanied children.

**Q24.** Which **national authorities and organisations** (including NGOs where relevant) are responsible for the return of unaccompanied minors? Please describe briefly the competent authorities involved in return, family tracing, etc., as well as any other stakeholders concerned, what their specific remits and roles are, any authorities specifically ensuring the principle of the 'best interests of the child' is taken into account in the return of the minor, etc.

Name of national competent authority/ organisation	Brief description (e.g. remit/ role, etc.)	Main activities/ responsibilities
Migration Directorate – Ministry of interior	Assists to provide foreigners with travel documents; Provides support to the state of return of aliens with forced return	Performs functions for regulation of migration processes, counteraction of illegal migration and execution of decisions for return of illegally

	decisions	residing foreigners
IOM Bulgaria	Helps to provide foreigners with travel documents; provides escorts to foreigners in need while returning; assumes the travel and document costs of foreigners; proposes integration measures in the countries of origin; monitors reintegration.	Assists the government in developing and implementing migration policies aimed at optimal balance between meeting the principles of free movement of people, controlling irregular migration and protecting human rights of migrants. Assists institutions in building administrative capacity
SACP	Assists the organization of the return of foreign children, if a child protection system is in place in the country of origin and diplomatic contacts between Bulgaria and the country are available.	Through the Ministry of Foreign Affairs, it communicates with local social or other similar services performing child protection functions, requiring a detailed social survey on the family environment, living conditions and protection measures to be applied to the child. Interact with other institutions or organizations for the technical organization of the return of the child

#### *Enforcement of return decisions and key arrangements pre/ during/ post departure*

**Q25.** What is the estimated timeframe within which your (Member) State **implements** a return decision following a rejection of an UAM's application for asylum/ another status? If there are delays (deviating from this timeframe), what are the usual reasons for such delays?

Not applicable

**Q26.** Please describe the measures (if any) taken by your (Member) State to:

- encourage **voluntary return** when an enforceable return decision is issued to an UAM:

Not applicable

- **enforce** return decisions against unaccompanied minors; please clarify in particular how your (Member) State perceives the forced return of unaccompanied minors, as well as what is considered effective in this context:

Not applicable

- mitigate any negative impact (please specify) of a return decision on the **well-being of unaccompanied minors**:

Not applicable

**Q27. a.** Please provide an overview of key arrangements for the **return of unaccompanied minors** to the country of origin, in particular information, support, services and preparation before departure, safeguards for unaccompanied minors during the operation, transfer of custodial care, etc.

The returns are implemented mainly by IOM (see above)

b. Please describe the policy/ practice of your (Member) State with regard to **family tracing** in the country of origin, including when such measures are taken, which authority/ organisation is responsible, as well as the contribution and responsibility of the guardian.

Family tracing activities in the country of origin are carried out by the organization of the Bulgarian Red Cross (See question 8). There are no specific regulations on the responsibilities of state institutions to search for the family, except for the introduced principle of work "when it is possible". Usually, data regarding the family is submitted to the Bulgarian Red Cross, which through their branches conducts the search. IOM also carries out family searches before completing an assisted voluntary return of an UAM to the country of origin.

c. How does your (Member) State interpret the term '**adequate**' **reception facilities** in the country of origin, as one of the requirements for removing an UAM from EU territory according to the Return Directive?<sup>4</sup> Does your (Member) State return unaccompanied minors to care centres or parents, relatives, etc.?

Not applicable

d. Please indicate any **special/ transitional arrangements** for the return of unaccompanied minors approaching 18 years of age. *Please do not cover here any aspects of the return of former unaccompanied minors, i.e. adults, as this is subject of a separate EMN study on return (see above).*

Not applicable

e. Please provide information on the follow up of unaccompanied minors once they have been returned, such as duration of such follow up, competent service, etc.

The conducted returns through the programs for assisted voluntary return of IOM are followed up by the organization in accordance with a special schedule.

f. Please elaborate on any existing cooperation arrangements between your (Member) State and countries of origin when it comes to the return of unaccompanied minors, such as bilateral readmission agreements concerning unaccompanied minors.

No special arrangements for UAMs.

**Q28. a.** Does your Member State provide any **reintegration assistance** to unaccompanied minors returning to their countries of origin (*please cross-reference/ summarise here to any aspects of the reintegration support for unaccompanied minors already covered under the EMN study on return (see above) and provide any additional information*):

- through **voluntary return**? Y/ **N**

If yes, please describe the kind of supports available before, during and after the voluntary return of an UAM.

- through **assisted voluntary return**? Y/ **N**

If yes, please describe the kind of supports available under the Assisted Voluntary Return and Reintegration (AVRR) programme available in your (Member) State before, during and after the

The support is provided by IOM. Information is presented in the answer to Q23a.

- through **forced return**? Y/ **N**

<sup>4</sup> Art. 10(2) of Directive 2008/115/EC stipulates that before removing an UAM from the territory of a Member State, the authorities of that Member State shall be satisfied that s/he will be returned to a member of his or her family, a nominated guardian or adequate reception facilities in the State of return.

If yes, please describe the kind of supports available before, during and after the forced return of an UAM.

Not applicable

**b.** Please describe the **monitoring mechanisms** (if any) in place in your (Member) State to ensure the effective reintegration of unaccompanied minors, including the types of measure undertaken and the duration of the monitoring period.

There is no established mechanism for monitoring of the reintegration of UAMs TCNs.

#### *Alternatives to return*

**Q29.** Does your (Member) State provide for any **alternative solutions to stay** for unaccompanied minors, such as regularisations, etc.? How do you **inform** unaccompanied minors of such possibilities to stay following a negative decision on their application for asylum/ another status?

Bulgarian legislation does not provide for regulatory/temporary residence status for UAMs who have a negative decision on the application for protection or have not applied. The care for them is taken over by the Bulgarian child protection system and they are housed in residential services, institutions, foster care or a family of relatives. A social worker informs the child.

#### *Dealing with unaccompanied minors who cannot be immediately returned*

**Q30. a.** Please describe the procedure of dealing with **unaccompanied minors who are not/ cannot be returned immediately** in your (Member) State, specifying the circumstances whereby the enforcement of a return decision has been deferred/ postponed, for how long such a deferral/ postponement is possible, where unaccompanied minors are housed during the deferral/ postponement period, whether unaccompanied minors have the possibility to be granted a status/ right to stay in the (Member) State (e.g. tolerated status), etc.

Not applicable. After the refusal, the UAMs are automatically placed in child care services.

**b.** What is the impact of a deferred return decision on the **well-being** of unaccompanied minors (as cited in existing evaluations/ studies/ other sources or information received from competent authorities, please provide references)? Does your (Member) State provide any state-guaranteed healthcare, including counselling, guardianship, etc. to the UAM during this state of limbo?

Not applicable.

**c.** Please provide any other information available in your (Member) State on the **well-being** of unaccompanied minors during the above-mentioned state of limbo, such as instances of unaccompanied minors transferred to another reception facility because of disciplinary reasons, unaccompanied minors involved in incidents, number of consultations with psychologists, school absenteeism or school drop-out rates, etc.

Not applicable.

#### *Challenges and good practices*

**Q31.** Please indicate the main **challenges** associated with the implementation of the return of unaccompanied minors in your (Member) State experienced by both unaccompanied minors, including those turning 18, and/ or competent authorities (e.g. based on existing studies/ evaluations, information received from competent authorities, NGOs/ IGOs, case law, etc.) and the measures (that could be) taken to overcome these challenges. For example, do boys face different challenges than girls (and vice versa) when it comes to return and if so, how does your (Member) State deal with such challenges?

The above-mentioned statistical information on the extremely small number of UAMs' returns is the reason for the lack of any research, information and publications on the challenges. Most UAMs come to Bulgaria from countries or regions of states where there are military conflicts, and this circumstance does not make it possible for them to return to their country of origin. Therefore, there are more frequent cases of UAMs' transfers under the Dublin

Regulation to countries where their adult family members or other relatives are.

**Q32.** Please describe any examples of **good practice** in your (Member) State concerning the return of unaccompanied minors. *Please note that, in order to comply with children's rights and EU policy positions,<sup>5</sup> good practices in return of unaccompanied minors should only include voluntary return following a robust, individual BID procedure with all procedural safeguards, as well as holistic support, preparation and reintegration assistance.*

*Please identify as far as possible who considers the practice in question as successful, since when the practice has been in place, its relevance and whether its effectiveness has been proven, e.g. through an (independent) evaluation. Please reference any sources of information supporting the identification of the practice in question as a 'good practice' (e.g. evaluation reports, academic studies, information received from competent authorities, NGOs/ IGOs, etc.).*

Due to the extremely small number of returns, we cannot recognize these cases as practice.

## Section 6: Disappearances of unaccompanied minors from guardianship/ care facilities and/ or following a return decision [max. 5 pages]

**Q33.** Is the **disappearance of unaccompanied minors** an issue in your (Member) State? If so, can this be linked to i) the decision on their application for asylum/ another status in terms of the point in time, i.e. before/ after a decision on status is issued, and ii) in terms of the outcome of the procedure, i.e. positive/ negative decision?

The disappearance of UAMs is an extremely common phenomenon in Bulgaria. The main reason for this is the motivation of UAMs to continue their way to another European country. In addition, the low standard of living in Bulgaria is not tempting for UAMs who have information about the better standard in other countries they want to reach. Thirdly, the poor reception conditions of the UAMs in the state are often highlighted in UAMs' focus groups as one of the reasons for their desire to continue their journey.

**Q34.** If your (Member) State has recorded cases of **unaccompanied minors disappearing from accommodation facilities and/ or guardianship care** following a decision on status, what are the possible **reasons** for such disappearances (e.g. running away from guardianship/ care facilities, expiration of a temporary residence permit, etc. as cited in existing evaluations/ studies/ other sources or information received from competent authorities, *please provide references*)?

Also, what are the **consequences** of their disappearance on their permit to stay? For example, can their status and/ or residence permit be withdrawn?

The reasons are the same as those highlighted in Q33. The disappearance of UAMs is not a ground for status withdrawal.

**Q35.** Does your (Member) State have any procedures/ measures in place to:

- **Prevent and react** to disappearances of unaccompanied minors from guardianship/ care facilities, e.g. support services, national hotlines for missing children, missing persons alerts in the Schengen Information System, Missing Children Europe and its member organisations, fingerprinting/ photographing unaccompanied minors as an aid for tracing, etc.? Y/ N

The provider is obliged to provide security at the place where institutional and residential childcare services are provided.

According to the Eurodac Regulation, fingerprints are only recorded of UAMs over 14 years of age. Typically, a personal photo is stored in the personal files of the children, specifically for the purposes of the diversion search.

<sup>5</sup> For example, the Commission Recommendation on making returns more effective when implementing the Directive 2008/115/EC, C(2017) 1600 final, see above.

- **Report and respond** to disappearances of unaccompanied minors from guardianship/ care facilities, e.g. protocols among authorities, standardised procedure for dealing with disappearances, etc.?Y/ N

The Ordinance on criteria and standards for social services for children introduces an obligation for the service provider to develop a special procedure

Standard 15

The service provider develops and follows a special procedure in the absence of a child without permission.

Criteria for assessing compliance with standard 15:

1. A procedure has been developed which includes:

(a) Measures to seek a child absent or suspected of running away, including alerting the police, the Social Assistance Directorate, the parent and /or guardian of the child and other interested persons;

**Q36.** If your (Member) State has cases of **unaccompanied minors disappearing following a return decision**, please describe the actions (if different from the above) taken by your (Member) State to decrease the **risk of such disappearances**, as well as any **follow-up measures** in case of disappearances.

Not applicable

**Q37.** Please indicate the main **challenges** associated with the disappearance of unaccompanied minors in your (Member) State for the competent authorities, as well as the minors themselves and the measures (that could be) taken to overcome these challenges. For example, do you have evidence of instances of disappearances of unaccompanied minors linked to any negative consequences for the minors (e.g. exploitation, radicalisation, etc.)? *Please base this information on existing studies/ evaluations, information received from competent authorities, NGOs/ IGOs, case law, etc. and provide references.*

A major challenge is solving the important problem of UAMs' placement and establishing a UAMs' care center with appropriate facilities and services. Next, granting a temporary/tolerable stay to a UAM with a negative decision on the application for protection or one who has not applied for protection in parallel with the statutory regulation of their access to fundamental rights would give some perspective to the future for these children. Providing qualified translation is a particularly important step in providing the child with information about his or her future and social work. There are no official sources of information regarding evidence of negative consequences for unaccompanied children who have disappeared.

**Q38.** Please describe any examples of **good practice** in your (Member) State concerning the issue of disappearances of unaccompanied minors. *Please identify as far as possible who considers the practice in question as successful, since when the practice has been in place, its relevance and whether its effectiveness has been proven, e.g. through an (independent) evaluation. Please reference any sources of information supporting the identification of the practice in question as a 'good practice' (e.g. evaluation reports, academic studies, information received from competent authorities, NGOs/ IGOs, etc.).*

No good practices could be identified.

## Section 7: Conclusions [max. 7 pages]

*This last section of the **Synthesis Report** will outline the main findings of the Study and present conclusions relevant for policy-makers at EU and national level. (Member) States should include any overall conclusions from their National Contribution in the top-line factsheet above rather than duplicate information in this section.*

Following the review of the existing national legal regulations and practices in the area of fundamental rights protection of UAMs TCNs some significant legislative gaps are detected, which are essential to guaranteeing the rights of this target group of foreign children, regardless of the form of care provided. On the other hand, some basic rights of unaccompanied minors remain formally regulated and inapplicable due to non-fulfillment of the statutory guarantees for their compliance (e.g. in terms of representation, legal assistance, child access to

information at any stage mainly due to the lack of qualified interpreters.).

In conclusion, it can be summarised that at the time of drafting this report, the Bulgarian state is facing serious difficulties in meeting and caring for the target group of the UAMs TCNs, which largely remains a difficulty since the beginning of the migration crisis.

In practice, the enjoyment of most of the rights by unaccompanied minors foreigners, which were investigated in this report, encounters certain difficulties for the following reasons:

- lack of effective interdisciplinary procedures for the identification of unaccompanied foreign children
- ineffective legal representation regime
- lack of a procedure for assessing and determining the child's best interests
- regulatory shortcomings in relation to the administrative-legal status and access to rights of unaccompanied children with refusal for IP or those who have not applied for IP
- lack of capacity in terms of places for childcare that is tailored to the specifics of the target group
- insufficient resource provision of services and institutions for children
- need for ongoing training to build skills for professionals working with UAMs responsible for ensuring their rights

The legal framework clearly defines the commitment of the state to ensure the same content and quality of care to unaccompanied foreign children irrespective of their legal status, but the statutory regulations do not take account of this, which explains the difference in the effectiveness of the rights guarantees for all children from the target group and their realization. Initially, the efforts of the institutions should focus on aligning the regulation of access to rights for asylum seekers who are unaccompanied and those who do not want IP or have been refused such.

A good opportunity to address the challenges raised would be to set up a specialized center for accommodating and care for unaccompanied foreign children, in which it would be more effective to reach minimum standards of care for these children by focusing on the efforts of all institutions and pooling resources for performance of the activity.

UAMs covered by this study are not subject to special state protection measures, or at least different from those applied to other UAMs. National policies do not consider the UAMs covered by this survey as a stand-alone target group to which specific measures should apply, including for children in transition to adulthood or having their 18<sup>th</sup> birthday shortly after the final decision on their status. At the age of 18 years, unaccompanied children are treated in the same way as adult TCNs.

Changes in legislation to improve the situation of UAMs were taken in 2015 with the amendment of the LAR and subsequently with the adoption of the Ordinance on Access to Educational System of UAMs seeking or who have received international protection. At the same time, no specific legal provisions and practices for working with this specific group have been created. The rights of the UAMs in legal residence during the period in which they are placed with a protection measure in a service or institution for children fall under the same legal regulation as all Bulgarian children under state care. A political will to address the challenges of UAMs care has been made during several meetings of the National Council for Child Protection and is enshrined in policy documents such as the annual National Child Protection Programs. Despite the declared intentions for change and effective solutions, no major change in UAMs policies has been made so far. Important steps to improve the UAMs' situation would be the measures, which are planned in the National Child Protection Program 2018, such as the launch of a five-year project to establish a Center for the accommodation of unaccompanied foreign children financed under the Norwegian Financial Mechanism; management and development of a specialized Crisis Center for children, victims of trafficking in human beings; adoption of the Coordinating Mechanism for interaction between institutions and organizations guaranteeing the rights of unaccompanied foreign children residing in the Republic of Bulgaria.

Exactly these shortcomings of the UAMs' care system led to the government's decision in 2015 to exclude the UAMs' group from the Framework of the National Resettlement and Relocation Mechanism.

The Bulgarian legal system and practice did not address special measures to the UAMs with refusal to be granted international protection or who did not apply for international protection. As adults, unaccompanied minors are treated as an illegally residing foreigner, leading to the imposing of a CAM by the migration authorities for removal from the country and an organization for its implementation.

Until now, no financial standards have been introduced to determine the amount of total UAMs' maintenance in the SAR centers. The social services for UAMs apply the financial standards set for Bulgarian children under state care

that do not take into account the specific needs of the target group.

The preparation of this report has been severely hampered by the fact that available research and reports on UAMs rights are extremely few and only a few sources are available.

The integration of UAMs into the host society in most cases is difficult and inefficient, leading to the escape of children from centers and services. The reason for these difficulties is all those challenges that await a solution from the Bulgarian institutions.

The right to access to the labor market for UAMs with legal status occurs after the age of 15 years, for certain types of work, under lighter conditions and after the labor inspection has been authorized. There is no data so far that a UAM has gone through this procedure.

There is no data on procedures for family reunification at the request of a UAM TCN with granted status in the country. Significantly greater is the number of UAM transfers made under the Dublin Regulation to different European countries.

The Bulgarian Migration Authorities do not impose coercive measures for the return of UAMs TCNs. They are automatically directed to the asylum system or child protection system. The review of the practice identified only 12 cases for the whole period of the assisted voluntary return of UAMs within the programs implemented by IOM Bulgaria. The activity is hampered by the fact that in most UAMs' countries of origin the military action continues and it is complicated to find a parent who declares that he/she will take care of his/her child. Bulgaria does not move far from the European challenges associated with the disappearance of UAMs. For their search, universal search procedures for a child deviating from a child service or institution apply. Country-specific is that resolving this problem should begin by improving the conditions for reception of UAMs TCNs and developing a unified UAMs database in which all institutions involved submit data according to uniform indicators and criteria. It would be extremely important to carry out analyses on the basis of collected statistical information from the institutions, which will also help to better plan UAMs policies at national and regional level.

## [Annex 1 National statistics \(in Excel\)](#)

**Q39.** With reference to **Q5.b.** above, please complete the following table with national statistics on the (estimated) number of unaccompanied minors in your (Member) State, if available.

Please provide here a brief explanation of the metadata, describing for example the population covered, the method used to reach the estimates, any caveats as to their likely accuracy, etc. It should be noted, given the differences in methods used to make the estimates, that it will not be possible to synthesise this information to produce a 'total EU estimate' for the Study.

Data presented in the attached table is produced by four different authorities – State Agency for Refugees at the Council of Ministers, Ministry of Education, Agency for Social Assistance and Employment Agency. That is the reason why it is not possible to provide common metadata. Some of the data is not available according to the criteria set in the study and they are presented as total only.



Worksheet in  
EMN-UAMs EN.xlsx